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SERIAL KILLERS AND CHILD ABDUCTIONS

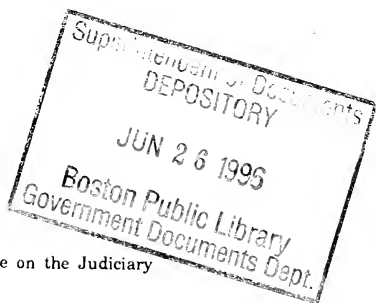
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Serial Killers and Child Abductions...

HEARING
BEFORE THE
SUBCOMMITTEE ON CRIME
OF THE
COMMITTEE ON THE JUDICIARY
HOUSE OF REPRESENTATIVES
ONE HUNDRED FOURTH CONGRESS
FIRST SESSION

SEPTEMBER 14, 1995

Serial No. 55



Printed for the use of the Committee on the Judiciary

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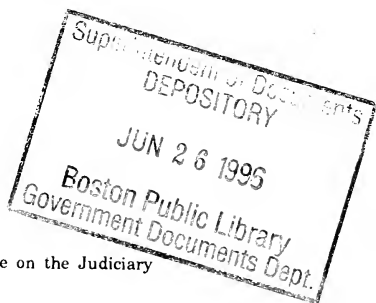
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SERIAL KILLERS AND CHILD ABDUCTIONS

THURSDAY, SEPTEMBER 14, 1995

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON CRIME,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The subcommittee met, pursuant to notice, at 1:45 p.m., in room 2226, Rayburn House Office Building, Hon. Bill McCollum (chairman of the subcommittee) presiding.

Present: Representatives Bill McCollum, Howard Coble, Fred Heineman, Ed Bryant of Tennessee, Steve Chabot, Bob Barr, Charles E. Schumer, and Robert C. Scott.

Also present: Paul J. McNulty, chief counsel; Glenn R. Schmitt, counsel; Daniel J. Bryant, assistant counsel; Aerin D. Dunkle, research assistant; Audray L. Clement, secretary; and Tom Diaz, minority counsel.

OPENING STATEMENT OF CHAIRMAN McCOLLUM

Mr. McCOLLUM. This hearing of the Subcommittee on Crime will come to order.

I am pleased to call this hearing to order today because we are going to examine a matter that is as heart-wrenching and emotionally trying as any topic that was ever discussed. Today's hearing concerns the problems of child abduction and serial killing and Federal efforts in response to these horrific crimes. The hearing is also an oversight hearing of the Morgan P. Hardiman Task Force on Missing and Exploited Children and of the newly created Child Abduction and Serial Killer Unit, which is part of the FBI's Critical Incident Response Group. I have to spell out almost all of those words, there are so many, they are a mouthful, but I can assure you every word in those titles are important.

There is no greater fear, I don't think, facing a parent than that of learning their child is missing. Events over the last 15 years indicate that there is a growing reason for having this fear. Estimates of child abduction crimes indicate that the crime is steadily rising. In 1994, there were 954,896 missing persons reported in this country; up to 90 percent of these reports involved children. This phenomenon is of particular concern since a recent government estimate indicates that my home State of Florida ranks second in the Nation in the number of nonfamily abductions. Unfortunately, children are a topic of great concern and those who go about taking these type of actions target them first and foremost.

Government statistics in this area, though, are sketchy and law enforcement is often ill-equipped to respond quickly to reported

child abductions, losing precious time, time which often is critical to successfully recovering the child. An additional hindrance is the fact that Federal authorities do not have clear jurisdiction to investigate all nonfamily abductions, leaving local and State authorities to attempt to locate an abductor who may have fled the State.

Similarly, the Federal Government has not created a coordinated system of Federal-State-local cooperation to solve suspected serial killings. This is due in part to the lack of Federal mandates to the problem in what at first appears to be simple murders. Due to this lack of coordination, patterns of related killings over broad geographical-related areas often go unlinked and thus unsolved.

Today, we will hear from both the victims and the experts in these areas of crime. We will learn the profile of those who perpetrate these crimes and those who will likely be their victims. We will also learn about the Federal Government's effort to combat this crime and ways that this Congress may assist in those efforts.

Our witnesses today include both Federal and local law enforcement officers who have seen firsthand the nature and the response to this dreadful criminal activity. We will also hear the perspectives of nationally known advocates for missing children, and we will hear from parents who know the inexpressible pain of losing a child to these crimes. I welcome all of the witnesses today who are going to testify on this important subject.

If the gentleman from New York has an opening statement or comment, I would welcome it.

Mr. SCHUMER. I thank you, Mr. Chairman, and I would begin by saying that the subject of this hearing is not pleasant. The testimony we will hear reminds us of the sadly imperfect nature not just of our society but of humanity in general.

Serial murders and kidnapping children are by definition sick and they simply defy understanding. Yet we know that they occur and we know that they occur every day. They, in fact, unfortunately, have increased rather dramatically. The number of classic serial killers, for instance, was 43 in 1970, and it has almost doubled—it doubled to 81 in 1984. We don't have very good statistics and that is why the numbers are out of date. There have been over—in 1988, there were 3,200 to 2,600 short-term child abductions and 200 to 300 long-term ones. Every one of those—in every one of those, a family, individuals crying out in anguish. And so it seems to me that however much these crimes disgust us, however much they baffle us, we have a duty to understand them and we have an obligation to do everything in our power to prevent them and to save lives when we can and ensure that swift and stern punishment is given when we cannot.

This hearing strongly illustrates another important point that has been questioned by some politicians, including some in this House, and that is the need for a Federal role in law enforcement. The fact is that there is an important role for the Federal Government in both of these crimes. Both serial murders and child abduction by their nature are difficult crimes to solve using strictly local resources and difficult crimes to prosecute when more than one jurisdiction is involved.

In the case of serial murders, local law enforcement agencies often do not even know about murders in other jurisdictions even

if they—even if the deadly work of a single serial killer is what has occurred. And so even if different localities learn that the murders are linked, they face enormous problems investigating or prosecuting such crimes.

Child abduction cases present similar problems, especially when the criminal travels from place to place across State lines and county boundaries. But there is even a more serious problem involving child abduction cases, and that is saving the life of the child who has been abducted but not yet harmed. The early entry of the FBI can ensure that the best investigative resource and the highest level of coordination can be brought to bear immediately in a given case.

Finally, I would say that we must be certain that our criminal justice system, whether it is State or local or Federal, responds to all of these crimes vigorously, regardless of the race or ethnic background of the victim.

Just last month, the white chief of police of Kankakee, IL, wrote a public editorial criticizing his own community for failing to react as strongly to the disappearance of a black girl as it did to the disappearance of a white boy. The chief's courageous public question is one we all need to grapple with. Are we truly colorblind when it comes to these victims of madness?

This hearing should be interesting and informative and, Mr. Chairman, I commend you for holding it.

Mr. MCCOLLUM. Thank you very much, Mr. Schumer.

Does anyone wish to make an opening comment? Mr. Coble.

Mr. COBLE. Mr. Chairman, I will be very brief. You and the gentlemen from New York have pretty well touched the salient features, I think.

I believe you used the words "emotionally draining" in your opening statement, Mr. Chairman, and this matter does, indeed, involve an emotional drainage of the victims. I am concerned, Mr. Chairman, I have not even discussed this with you, about the lack of substantial official government statistics concerning child abduction, A, and, B, the accuracy of these statistics and perhaps we will delve into that as this hearing progresses.

I recognize that the problem of resolving the matter of child abduction oftentimes is compounded by the presence of family members in the scenario and perhaps that will be addressed, as well.

And I noticed from our witness list we have the host of "America's Most Wanted." This is a program when I have the opportunity to do so, I watch it. I don't get to do it on a regular basis, but I think that program has served a very favorable forum and I look forward to hearing from the host as well, Mr. Chairman, and not unlike the gentleman from New York, I commend you for having the foresight to schedule these hearings today, this hearing today.

Mr. MCCOLLUM. Thank you, Mr. Coble.

Does anyone else? Mr. Heineman, do you wish to make an opening comment?

Mr. HEINEMAN. Just briefly, Mr. Chairman, and I thank you for putting together this hearing, these sets of hearings on probably the most important thing in law enforcement as it relates to priorities is concerned, the children, and of course the elderly as well. There is nothing, I think, that receives higher priority in local law

enforcement than when a child is either lost or abducted. And when I say child, of course I don't mean on spring break some—some teenager that just doesn't come home and is found on the beach or down in one of the meccas, such as Florida, your own State. I mean those that can't—those that can't protect themselves, those that can't, in a cold night or in foul weather, those infants and those at the very earliest ages protect themselves.

I think that we—I think that we should have brought this out, and I think we brought it out very timely in this Congress, but as an ongoing theme as far as crime and crime control is concerned, we need to continually keep it at the high profile that it so justly deserves.

And I am delighted to see the FBI here today and dealing with missing children and serial killers. I don't know, and I have been in law enforcement for close to 40 years, whether we have had serial child abductors. I have not been made aware of that and certainly if there is that type of predator out there, we would be anxious to hear that. But I think the FBI's involvement in this is extremely important, not only interstate jurisdictions of the matter but the profiles, not only of—not only of child abductors, their MO and where you—where you historically have found them once they abduct the child so you can at least give law enforcement training at the first instance when a child is reported abducted, either from a hospital or from—or from a shopping center. Extremely important. Just as the serial killer, the profiles on the serial killer are extremely important.

During my time in law enforcement, we have had two murders by a serial killer. Mr. Lucas, I think probably if you had a poster child or a poster person on serial killers, Mr. Lucas would be on that poster.

But we in law enforcement deal with local law enforcement and not those issues and crimes that are serially perpetrated across the country and ultimately lead to local jurisdictions.

I think it is extremely important that the FBI take a hand in this. However, there comes a period of time when the abduction takes place at the local level and notification is given to the FBI that first day that needs to be dealt with in such an abduction. I am anxious to hear what the FBI is doing and is contemplating on doing.

And it is certainly, Mr. Walsh, it is never too late to express our sympathies for what happened to you, your family and your son. That perhaps may have been a catalyst for the attention being given on media, perhaps not.

But we need to protect not only the elderly, the Alzheimer's person that can't help themselves, but the infants. And being a father of five children, I can certainly identify with the helplessness of youngsters, and I anxiously wait to hear the testimony of Mr. Walsh and of our second panel. Thank you.

Mr. MCCOLLUM. Mr. Heineman, thank you.

Does anybody else wish to make an opening statement? Mr. Bryant, Mr. Chabot, or Mr. Barr. No one does? Very well.

Mr. BARR. We will submit one for the record.

Mr. MCCOLLUM. You certainly may submit one for the record.

I want to introduce our first panel today. It consists of just one witness, John Walsh, who has been referred to a number of times here today. I have known Mr. Walsh ever since the tragic event in his family involving child abduction which initiated his intense involvement in this issue quite a number of years ago. He is well-known to most Americans because of the television show "America's Most Wanted."

In 1981, Mr. Walsh's 6-year-old son, Adam, was abducted and later found murdered in a case that drew national attention. Since that time, Mr. Walsh has become an advocate for missing children and crime victims.

Through his efforts, and that of his wife Reve, Congress has passed the Missing Children Act of 1982 and the Missing Children's Assistance Act of 1984. The latter bill provided for the founding of the National Center for Missing & Exploited Children. The Walshes also founded the Adam Walsh Child Resource Center, a nonprofit organization dedicated to legislative reform. The center's four national offices were recently merged into the National Center for Missing & Exploited Children.

The efforts of Mr. Walsh and his wife were dramatized in the 1983 television movie "Adam" and the sequel, "Adam, His Song Continues," which aired in 1986. Mr. Walsh has become the foremost spokesman for the cause of preventing child murders through quick action on missing children reports. He has appeared on television news programs such as "Good Morning America," "Nightline," "20/20," and on such talk shows as "The Oprah Winfrey Show" and "Donahue."

He has already received numerous awards, including being named as a Father of the Year by the National Father's Day Committee, the 1992 Man of the Year Award by the National District Attorneys' Association, and the 1992 Ellis Island Medal of Honor. In 1992, he received the Attorney General's Special Recognition Award, the only private citizen ever to receive that award.

John Walsh, welcome. Please come forward. We look forward to hearing your testimony. If you wish to summarize or give it in toto, whatever you wish to do it, you are welcome to proceed.

STATEMENT OF JOHN WALSH, HOST, "AMERICA'S MOST WANTED"

Mr. WALSH. Thank you very much, Congressman McCollum. I am very thankful that you are having these hearings, and I also want to thank Congressman Schumer because I know the reputation both of you have as majority and minority leaders of this subcommittee and the other members of this committee. I know your reputation is that of one of being tough on crime and being sympathetic to the American public, and I think this subcommittee in the House has demonstrated continually that you feel the same way I do and most Americans do: You are sick of the level of violence in this country and it is time to do something about it. And I almost feel as though this is the one hearing—and I have been coming here for 14 years. I have testified on both sides of the aisle over 30 times. I feel that this probably is the one hearing that I have been waiting to come to for 14 years and I hope that you will listen closely to the experts.

You have picked a terrific group. Paul McNulty knows several of these people. I have worked closely with the FBI over the years and you are going to hear some disturbing things, as you mentioned. You are going to hear of some accomplishments over the years but you are going to hear about a lot of things that need to be done and a lot of things that can be done on the Federal level.

And I know most of you know my story and I don't want to go back, way back to the 14 years, but I wanted to share to you my frustrations when I found that when my son was missing that the little Hollywood Police Department, although they looked long and hard for Adam Walsh, had never been involved in a stranger abduction and didn't know what to do, literally what to do. And way back then, the FBI's philosophy was an old J. Edgar Hoover hold-over policy that they monitored cases of—of kidnapping, and although I pleaded with them to get involved, they declined saying that unless there was a ransom note or proof of crossing a State line they couldn't get involved. And I knew even back then that people didn't tap children for ransom and that if Adam was on his way across the State line, how would they ever know and that—that who is going to tell them?

I learned a lot during those 2 weeks. I got the list of every police agency in the State of Florida. I had eight personal office staff and a lot of resources that most people don't have. I had WATS lines. And when I saw the teletypes coming into the Hollywood police and no detectives looking at those teletypes that were saying, "Wanted, Murder from Arizona Coming into Florida," I said you are not looking at these teletypes, and they said, "We are concentrating on your case." And I said, "well, give me the list of the police agencies, I want to make sure they know little Adam Walsh is missing."

I got that list and was amazed that there were 320 police agencies in the State of Florida. So it took my office staff almost 5 days to call every agency. No. 1, most of the time they got a dispatcher. In those days, there were no juvenile units in those agencies. They came back after 5 days and said, Mr. Walsh, 80 percent of the police agencies in the State of Florida do not know that your son is missing, do not know that this little 6-year-old boy with the missing teeth is missing.

That was an awful, awful bitter pill to swallow because in those days I could access the Hong Kong stock market on my computer but yet I found out from the Hollywood police that most of the police in the State of Florida didn't know Adam was missing and that none of the coroners exchanged information back in 1981 about unidentified dead, that I would have been lucky if my little boy's body was in a morgue in North Dakota and by some fluke of the imagination that coroner didn't bury that little boy and that maybe I found out Adam was there in North Dakota.

Anyway, a lot has changed and we can talk about it. But I hope today that you are going to learn a lot about the truth, about serial killers and about missing children, and I hope that we can dispel some of those myths today.

First off, I thought one of the best ways to do that would be to show you a small tape of a serial killer of children that I hunted for years and to use him as an example of what doesn't work. A lot has been done. We have 46 States now that have clearing-

houses. The FBI does get involved. I work closely with them. They have been exemplary and you are going to hear many of the things that they have done.

Law enforcement has changed their attitudes. We have abolished the 24, the barbaric 24- and 48-hour waiting periods where police used to arbitrarily decide, well, maybe your kid's a runaway and find out later that Ted Bundy killed your daughter when the police were convinced that your daughter was a runaway and thereby didn't look for that little girl. All that has changed. A lot has changed but there is so much more to be done and these people know what they are doing and they know how to do it, and I want to show you one guy that I hunted for years.

Mr. MCCOLLUM. All right. Let's show the tape and whatever we need to do to support that, we will do.

[Tape was played.]

Mr. WALSH. The toughest part about this story is that nobody was looking for James Charles Stark but the San Bernardino police. I carried this poster around, as I said, for 2 years.

Let me tell you about this guy right here. First, he kidnapped a young woman and raped her, charges were dropped. Everyone knew he did it but there was some type of technicality in the gathering of the evidence. Two years later he kidnapped another young girl, raped her. He was sentenced to 3 years to life. Guess how much time he served? Two and a half years.

Within 18 months of that parole from California, he was arrested for attempted rape. He was sentenced to 1 to 20 years in prison. Guess what? He was paroled after 3 years.

Six months after that parole, he was arrested for molesting a little girl under 14 years old. He staged a suicide attempt. That is what he always did, he faked the hanging, they cut him down, they would take him to a hospital outside the prison and he got away, he escaped. He was caught, he was sentenced to 8 years in prison. Guess what? He was paroled 1 year later.

He was back out on the streets and he did what he had done his whole life. He cruised the streets and he got that little girl. He had her in that van for 2 weeks. He raped her and tortured her as he roamed the country. Nobody was looking for him. He was a parole violator but nobody was looking for him, a serial rapist, a potential serial killer.

This is what that little girl looked like when he was done with her. Her knees were broken, her elbows were broken, ball-peen hammer marks all over.

Talk about fate, I carried this wanted poster around with me for a year and a half. I showed it to cops. Nobody knew James Charles Stark. I showed this to parents everywhere, cops that were looking for missing children. There was no system, nobody was looking for him, and this little girl was buried in Banning, CA, in an unmarked grave for almost 2 years.

I knew somebody was looking for this little girl, somebody loved this little girl. By fate and circumstance, I became the host of a hit television show and I got to put my case on there, and as you saw, I caught him in one night. But all the lawyers at Fox said, you can't show this morgue shot, it is too graphic, and I said, you know what, there is somebody out there looking for this little girl.

This is reality. This is what these people do to little girls in the United States, and, thank God, that mother who had been searching all those years, borrowing money, got to get her little girl back and bury her from an unmarked grave.

I ask the same question all parents ask: Why wasn't anybody looking for James Charles Stark, and how many little girls do you have to kidnap in this country and brutally rape and torture before we decide as a society that we can't let these guys out, that they can't be out, that we have to warehouse them somewhere?

Now, you are going to talk about missing children and you are going to talk about serial killers. Now, I believe the experts are going to get up here later and say there is no real estimate of how many serial killers there are out. There may be 80, there may be 100, there may be 110, but, like Mr. Schumer said, that number has increased as well as the homicides have increased. And everybody talks about missing kids and, yes, you talked about the million missing kids each year and the vast majority are those who run away who come home after 24, 48 hours, but there are lots of kids on the streets of New York and Fort Lauderdale and all over this country that are 12 and 13 years old, running away from physical and sexual abuse, and what can you do on the streets in the United States when you are 12 years old? You can't work at a McDonald's. You sell your body or you sell drugs.

But the stranger-abducted kid, the one that everybody talks about, the most dangerous category—you have got your runaways, the vast majority of missing kids. You have got about 300,000 noncustodial parental abductions, the one that everybody says that kid's OK because he is with another parent. Well, those are 300,000 kids that are victims of a bitter divorce and the parent who didn't get custody runs around with those kids.

Now, I have heard law enforcement say up until 6 months ago—and I have heard Members of Congress say those kids aren't in danger, they are OK. Well, I tell you what, anybody on this panel get divorced and you get custody and your wife didn't and they take your kids and they disappear for 10 years and you don't see those kids go to kindergarten or high school, is that a missing child? Yes.

We caught a guy on "America's Most Wanted" who kidnapped his kids from Florida and that little boy and he lived out of dumpsters for 3 years, and that boy watched him rob houses while the boy stayed in a stolen car and the father was a drug user. That little boy never had a doctor, never went to school. He was a noncustodial parental abduction and they weren't looking for him that hard because they say, oh, well, the father, it is OK.

Now, it is a felony in every State, and these guys behind me, the FBI, are supposed to look for these people. With 9,000 agents, how can 9,000 agents even think about covering 300,000 noncustodial abductions?

But the tough category, the stranger-abducted child, Justice Department says last year an estimate of about 4,600 successful stranger abductions. That is where someone the child didn't know grabbed a child. Ninety-eight percent of those kids recovered, or 97, something like that. Almost 99 percent of them sexually assaulted. A lot of the abductions are done by guns. People kidnap kids to sex-

ually assault them. And I have heard people say, well, you know, they are back alive, it is not that big a deal. The kid was taken for awhile.

I challenge any Congressman to walk out of this building late at night at a session and have someone twice as big as you stick a gun in your mouth and take you in a car for several hours and sodomize and terrorize you and then you come back and tell me, well, the kid got back alive, you know, that kid's alive.

Then there are the 300 or so each year, the 300 cases that are never solved. We don't know if they are dead, we don't know if they are alive. There is a lady sitting right over here who has been looking for her son for years and she is going to tell you that anguish of not knowing.

Now, I have heard people in the media and law enforcement say it is only 300 kids a year that don't show up, that are the hardcore cases. Well, you know what? If it was 300 Congressmen, something would have been done a long time ago about it. There would have been a lot more resources. If it was 300 newspaper reporters a year that were kidnapped and disappeared, it would be the front page. If it was 300 chiefs of police, every cop in this country would be looking for those 300 chiefs of police. And if it was 300 anchormen on television, you would never hear anything about the O.J. trial or anything, you would only hear about those missing anchormen. So I question those priorities and anybody that says there is only 300 kids.

My recommendations, there are 17,000 police agencies in this country; 80 percent of them have 10 men or women who have never dealt with a serial killer, never dealt with a missing child. They don't know what they are doing. Do they care? Damn well they care. They have got children. They have got wives. Do they want to do the best job they can? Yes, they can—yes, they do. Do they have the resources? The National Center for Missing & Exploited Children has tried to train lots of them. But it is a massive undertaking.

The FBI that you are going to hear from are Bill Hagmaier and some other people, the Child Abduction and Serial Killer Unit, vitally important, vitally important. With 300 tough, tough cases and 4,600 stranger abductions and maybe 80 to 90 serial killers out there, guess how many people are in Bill Hagmaier's unit? There are maybe 1,000 FBI agents that deal with bank frauds and bank crimes, right? There are 12 people in his unit, 12 people assisting law enforcement with the help of the National Center for Missing and Exploited Children.

And for 2 years up until this last year, the FBI with only 9,000 agents out there on the streets with crime ever increasing, last year 24,000 homicides in this country, 40 million Americans victims of violent crime, they didn't graduate one FBI agent from Quantico for 2 years. As crime was increasing, these bodies, maybe not this committee and I know it wasn't this committee, but this House of Representatives and Senate decided that we don't need anymore FBI agents while guys like James Charles Stark and you name them, and I could give you a list a mile long, are out there roaming the country and knowing one thing.

When they caught Henry Lee Lucas, the serial killer that you talk about from Texas, his partner was Odis Toole. They roamed around the country taking people at random. They got custody of Odis Toole's partially retarded niece in Florida because she had nobody else to go to. He was the only surviving relative. Lucas sodomize her, raped her, and cut up her body parts and put them in the trunk of the car. Neither one of them had a license. They had stolen plates on their Cadillac. They drove all over this country. Lucas has a 90 IQ, Toole has about an 86 IQ. No rocket scientists, because lots of serial killers are very, very bright. Two dangerous, dangerous individuals driving around the country with body parts in the car.

They didn't get caught for years. And you know what Lucas said when he got caught? That idiot. He said, I figured it out, you could grab somebody anywhere in the United States and the moment you cross the county line, not a State line, the moment you crossed a county line, you were safe because there is no exchange of information between law enforcement.

You know the serial killer in San Diego that killed 17 people, the Green River killer that killed 17, the serial killer in Rochester, NY, that has killed 17, those Rochester police, they are only worried about those homicides in Rochester. They don't know it might be the same guy in San Diego. They need Federal help. These law enforcement agencies need help. This unit right here needs to be at least doubled in its size.

There are task forces all over this country, joint task forces, and this Congress and this committee has participated in mandating some of them. Guess what? There is a task force for drugs, a joint task force in almost every major city there. There is a joint task force for fugitives. I work with them, FBI, marshals, State, local police. There is a task force in almost every major city for stolen cars. Is there a joint task force for serial killers and missing children in any city in the United States? No, not unless there is a rash of abductions in that area.

I hope today to come out of here with a piece of legislation that I would like to propose to you that I would like to see you two and the members of this committee help me write. I have gone and sat with Louis Freeh. I have worked this out with the FBI. I don't believe in frivolous death penalty legislation. I know that this Congress a couple years rushed and added 20, 30 death penalties to the crime bill, things the FBI could never ever deal with, that they don't have the resources to deal with. But I will tell you what, I have talked to the FBI.

I would like to send one simple message and see a piece of legislation drafted out of this hearing: If you kidnap a child in the United States, a stranger abduction, and you go to the ultimate and you murder that child, you will be hunted down by the best in the world, the FBI, and you will be prosecuted under Federal law. You will be sentenced to death. You will face the death penalty under Federal law.

You know what? That sends one clear message to pedophiles. And I didn't know what a pedophile was. I didn't know what a child serial killer was and I have studied them for 14 years. It would send that message to that repeat offender.

Three weeks ago we did a guy on "America's Most Wanted" who killed a little boy and served only 5 years and got out immediately and killed a little girl. It would send a very clear message that even if you are caught in a nondeath penalty State, you will be prosecuted under Federal law.

New York State, your State, Arthur Shawcross, case in point. I love Mario Cuomo. We were Fathers of the Year together in 1984. He vetoed the death penalty for 9 years in a row. He said it is his moral obligation. I said I respect that. He said, the death penalty is not a deterrent, John. I said, Mario, it may not deter anybody else from killing someone, but in my home State, Ted Bundy is never going to kill another little girl. He was executed for biting an 11-year-old girl to death 200 times when he sodomized her.

Arthur Shawcross came up for parole in New York State about 5 years ago. He had kidnapped a 7-year-old boy like my son, sodomized him, raped him, and ate part of his heart. He killed a 12-year-old girl, he raped her, and ate part of her heart. He was put in prison in New York in the disordered sex offender ring in the Rolls Royce country club part of our prison because sex offenders don't go into the general population because the general population will kill them. I say if you kill a child, you should take your chances down in the yard with everybody else. That is my philosophy. But Arthur Shawcross told the prison psychologist, I like to have sex with children but who I really hate are women. Don't let me out.

After 15 years, Arthur Shawcross had allegedly paid his debt to the State of New York. He was sent to little Rochester, NY. I grew up in that area. It is a sleepy little college town. It is a nice little place. Nobody in Rochester knew that a monster was being sent into their midst. Well, about 4 years ago, Arthur Shawcross was arrested for killing 11 women in the 2 years that he was out in Rochester, NY. They sent a predator, a hunter, a hunter of women and children to Rochester, NY, and never let them know.

And I say this: Tell the 14 surviving children of those 11 women, tell the husbands, tell the parents that the death penalty isn't a deterrent. Those women would be walking around if Arthur Shawcross had been executed. Life in the United States does not—without parole doesn't mean it.

I did a guy from Texas, Kenneth McDuff, who was strapped in the Texas death chair twice. He killed three teenagers, raped a 14-year-old girl, and watched her two friends—made them watch him do it. Killed all three of them and ate the fast food afterward. He was—his sentence was commuted to life without parole, then it was commuted to life, and he got out.

Guess what? I got a call from Ann Richards, the then-Governor of Texas, who said this animal is on the loose. They suspect him of killing five women the first 5 months he was out. You know what he did, he buried them out of the ground. He killed a 21-year-old 9-month pregnant mother of two and buried her with her head out of the ground as a message to the Texas Rangers and the marshals that were tracking him. That man never should have been let out of prison. He should have been executed the first time they had him in the chair. Because life without doesn't mean life without in the United States; it means you can you get out.

So I hope maybe that we can get together. We have the support of the FBI, most of every police agency in the country, and most of the American public, and I think we would send a very strong message to serial pedophiles in this country that if you kill a child, if you are going to take that chance and you are going to kill a child, you are going to be hunted down and you are going to be prosecuted and you are going to die for it and you will never kill another child.

Priorities, I have been amazed at the priorities of this Congress for 14 years, and that is why I am so glad to be talking to this subcommittee. You know, I live in Florida and I live close to the space shuttle and I watch that damn shuttle go up all the time at a cost of \$1 and \$2 billion constantly. This Congress, with a sweep of a pen, will allocate billions of dollars to send that space shuttle up. It approved \$600 million to fix the damn Hubbel telescope. But it has got 12 guys tracking people who go out and murder 17, 18 people at a time.

Has that space shuttle prevented one of the 24,000 homicides that happened in this country last year? Has that space shuttle cured any form of cancer? Has the Hubbel telescope found one missing child? I don't think so. Absolutely not. But yet these committees, stroke of a pen, billions of dollars.

Give these guys some money. Give these people some money to hunt these people down, to hunt them down, because they know how to beat the system. They really know how to beat the system.

You are going to hear from Patty Wetterling. You are going to hear of the chief of police about the case of Polly Klaas. Mark Klaas and I have sat night after night and he asks the same question. The guy who killed his daughter kidnapped and tortured and raped three different women. The first woman he worked over with a tire iron. She had 300 stitches in her head. He got out on parole. The second woman he raped and cut her with a knife. He got out on parole. The third woman he beat with a claw hammer and fractured her skull and he got out on parole.

What the hell was he doing in Petaluma, CA, that night? What right did he have to be out to kidnap that beautiful little 11-year-old girl? And these cops didn't have the resources, they didn't have the high-tech computers. We talk about the Internet, we talk about all the sophistication that has come in this country. These two guys knew he was dirty, knew this guy was dirty, tried to keep him for 45 minutes, suspected something, could not get any information, didn't know there was a little girl missing, didn't know that they were looking for—that this guy had a rapsheet as long as this table. I mean, if we can put a man on the moon and fix the Hubbel telescope, we should be able to let these different law enforcement agencies exchange information and know that there is a predator out there.

So I appreciate the time here today. I know what a good committee this is. I know how tough it is. I hope something comes out of this. I am pretty sure this committee has its priorities in order, and I hope in my lifetime that I can see these cops who work so hard to try to catch these guys—I mean, I have caught 376 guys on "America's Most Wanted" in 8 years. I have caught 10 of the FBI's. You know the toughest guys for me to catch are the serial child

killers and the serial killers. They are the smartest. They are the lone wolves. They don't talk. They don't hang around with anybody else. They are the true, true predators. They are the true, true hunters of our women and children and sometimes men. So all I am asking for you to do today is listen to these people, listen to what they need, listen to what they have done and help them. And I look forward to working with you in the future.

Mr. MCCOLLUM. Well, thank you very much, Mr. Walsh, and you already are helping us by simply being here today. I know you know that. You are also talking, as you said, to a very sympathetic group of people who sit on this Crime Subcommittee. That is why we are holding the hearing.

I know what you are saying is heartfelt, and the suggestion you have made with regard to specifically making the kidnapping of children who are murdered a Federal crime subject to the death penalty is something that we will consider very seriously. It is always a question for us, as you probably know, of how narrow we can make it. There is a tremendous concern in policy as to how far you expand murder, kidnapping, et cetera. Obviously the kidnapping laws of this country do involve the Federal Government or they are supposed to.

Mr. WALSH. They did used to, and I don't mean to interrupt you. After the Lindbergh kidnapping, kidnapping was a Federal crime punishable by death. It was rescinded in Congress about 15 years ago.

Mr. MCCOLLUM. That is right.

Mr. WALSH. There are guidelines. I am not asking for huge broad guidelines. I think we can work it out with the Bureau. We have some guidelines. We are not asking you to write a bill that can't work.

Mr. MCCOLLUM. I understand that. The point I was trying to make is that within the framework we can do it, certainly I want to do it, and I am sure I speak for the members of this committee. They will have a chance to speak for themselves.

I want to make another comment, and it is a comment because to ask you questions at this point would not serve a useful purpose. You obviously have articulated the framework for this hearing and I think we all, you included, would like to hear the other witnesses.

Mr. WALSH. Absolutely.

Mr. MCCOLLUM. I do want to make the point that you have emphasized with us that one of the great problems, besides the dissemination of information and the lack of resources at the FBI, is the fact that we have been letting these people out who have committed these horrendous crimes. These people, whether they are serial killers or serial whatever, have committed a lot of crimes before. We have been working for some time, some of us particularly hard, to eliminate that problem to make sure that people serve at least 85 percent of their sentences, which is a rule of thumb that the Federal Government adopted a long time ago. This is why I am sure you are saying to us today that it would be preferable to have this particular serial killing type of criminal noticed that if he commits his crime even in a nondeath penalty State, the Federal Government is going to come in, not only because of the fact that he

is going to get the death penalty but because the Federal laws are just plain tougher and the criminals on the streets know it.

Mr. WALSH. Much tougher.

Mr. MCCOLLUM. As a result of that, we are trying very hard to encourage States to enact similar laws and give them inducements such as prison construction money and so forth to do that. Anything you have to suggest to us that would help enhance that effort would be most welcome.

We are working very, very hard to accomplish that goal. Democrats and Republicans may have our disputes over the details, but in principle we generally agree on the direction in which we need to go. So I don't really have a question for you. I just want to thank you for coming because you have set the stage for something that is exceedingly important, including the suggested legislation.

Mr. Schumer.

Mr. SCHUMER. Thank you, Mr. Chairman. I want to join with you in thanking Mr. Walsh for being here and agonize over his loss which I am sure, you know, you hear 14 years ago, but for a parent who goes through this, you live with it every day and it is like yesterday. As the father of two beautiful girls, I know and sympathize. I can't know because it hasn't happened to me but I sympathize with how you feel.

I make a couple of points. First, I haven't seen the details of the proposed legislation but from the outline you gave, I would support it. I would urge my side to be for it. I would urge the Justice Department to be for it. I look forward to working with Bill McCollum in many of the things here on these issues we work in a bipartisan way, and I think it is worthy legislation.

The second thing that I would say is you hit on another point that I agree with. It has always befuddled me from the day I got here 15 years ago and, as you know, I have tried to do things to rectify it, with the American people's anger and anguish about crime, why so little is done about it. We have great debates especially in this Congress, what is government's role. Should government do this; should government not do that? Not in the area of crime. Everybody agrees that this is a governmental function. From my way of thinking, and I have had to fight with people on both sides of the aisle on this, my constituents are not asking and saying, oh, we want the local government or the State government to solve our problem but we don't want the Federal Government; we only want the Federal Government. They say just do something already.

One of the things that while I chaired the Crime Committee I think we did is said let's get the Federal Government much more involved, and it still befuddles me at all levels of government with people's level of anxiety and fear, fear that stalks our society in every corner, why we don't do more.

Mr. WALSH. Well—

Mr. SCHUMER. It is a mystery to me how, as you put it well, in a minute we will send billions of dollars on the space shuttle, whatever you think of that, but debate \$10 million or \$30 million more for crimefighting when if you surveyed our constituents, I think 95 percent of them would be for the latter. Part of it is they don't have

a big lobby here. They don't give out all the campaign contributions and things like that, but you are here and I am glad you are for that reason.

I just make two other points and then let you respond. I want to thank Ms. Wetterling for being here. As you know, last year in the crime bill due to largely the efforts of your Representative, from Minnesota, Jim Ramstad, a few years ago he put the Jacob Wetterling Act in the bill and hopefully that will help.

And I also want to thank wherever he is, the chief from Petaluma, because the horrible murder of Polly Klaas importuned this committee with, under Mark Klaas' urging, to put in the three strikes and you are out law, which in fact we had the first Federal conviction on in Iowa. And I saw a picture in the newspaper of the prosecutor who had done it who had been abducted himself when he was here in Washington, DC, was my classmate in college, a guy named Steve Rapp.

And the one other point I would make is this: All the more need for your legislation because particularly in the area of sexual abuse and pedophilia and the story you mentioned about sex offenses, repeat crime is not the exception but the rule. And Mr. Shawcross who you mentioned was in jail for 15 years and the minute he came out he went back to doing this.

We talk about rehabilitation and we talk about trying to help people and I believe in that. I believe we have got to do both, tough punishment and rehabilitation. But we know—if you ask the experts, we have not even the scantiest knowledge of rehabilitation of these types of crimes. All the more reason to get rid of a system that slaps on the wrist or even if it doesn't slap on the wrist, make sure these people won't do it again, and long sentences and ultimately capital punishment is something that I think are appropriate in these kind of instances. So you can answer the few questions I have posed there.

MR. WALSH. Well, I share your same frustration, as I think the average citizen does, number one. Tons of politicians on the State, local, and Federal level campaigned as tough on crime last year and got elected, and I think the American public is sitting back and waiting, waiting to see for the first time.

I mean, 14 years ago I traveled around the country and I have testified in every State, before State legislatures in every State. People used to say, well, here comes this abrasive driven father of a murdered child. Now when I go into States, there are hundreds of victims testifying, there is lots of attention.

I think the jury is out, particularly in this last November election, all over the country to say we are sick of the level of crime, we are fed up, and we want to see something done. People are starting to get more sophisticated. I think they are going to hold their legislators on every level accountable because it used to be so easy, you are absolutely right.

There is no great victims' PAC here. No victims donate any money to anybody's campaign. There is no strong, strong law enforcement lobby that can change things. They come here and they talk to you. You have talked to all the law enforcement lobby. You take it with a grain of salt, et cetera. But the American public I think is finally realizing that politicians can't do it alone, the police

can't do it alone, they have got to get involved. But they are also asking for tougher, tougher penalties for the violent repeat offender.

You have to separate the violent repeat offender like Shawcross, like that guy, like all these guys. Their whole lives they have demonstrated—now you can study them forever. I have given up studying them. I have sat in penalty phases of hearings where they said this guy has 35 character witnesses because he had acne when he was young, he could not get a date. He was abused and molested. Well, at the National Center they have people that work there that were abused and molested and were not serial killers and don't abuse and molest other people. I any everybody is sick of the victim attitude by the criminal that using something as an excuse. I know one thing. If you keep a pedophile in jail for 15 years, that is a lot of kids that aren't going to get molested. And if he has demonstrated it three or four times, if you watched the news last night the FBI doing a great job breaking that pedophile ring on the Internet, right? I mean, Congress, this Congress and every State legislator in the country is behind the curve. The pedophiles are way ahead of the curve. They have been downloading graphic child pornography. Those images were of kids 2 to the age of 13 having graphic sex. You could download it. Your 13-year-old could download it. It is against the law in every State, child pornography, to sell it in the mail, to sell it in a store, but yet it can be downloaded into your home.

The criminals, the pedophiles they are sophisticated; they are ahead of the curve. The serial killers are ahead of the trackers; they are ahead of the hunters. And I think the public is starting to say because as you say 80 percent of the violent crime in this country is dealt with on the State level—in my home State of Florida you serve an average of 20 percent of your sentence. Federal law is tough. It is 85 percent. You don't get any parole. You are in there and you do your time. You do the crime, you do the time.

So I have come to the conclusion after going around this country State by State and I am here, you guys can do things that State legislatures can't do. You can look at certain problems and you can say, you know what, I know, 50 little countries, 50 individual little countries, some have good child protection laws, some have truth-in-sentencing, some don't, some have prison overcrowding, they let everybody out, some are tough on pedophiles, some have a sex offender registry. Only 21 States have victims' rights constitutional amendments.

Let people like myself participate in the trial. I hope in my lifetime that I see victims have the same rights as the criminal. You could do that on the Federal level. You could pass a law that says three simple things: Every victim in the United States should be treated with dignity, should be appraised of every process of the criminal justice system, and allowed to a victim impact statement. In only 21 States, like the father of that murdered child, I saw one in California, he had a picture of his 13-year-old daughter and he said to the judge, I will never see her graduate from high school. I will never have any grandchildren. I have been given a life sentence. Give him a life sentence. It is simple dignity to ask for.

Could you do it on the Federal level? You could pass a simple victims' rights bill that would mandate that victims be treated in every courtroom in this country with dignity. That is all victims ask for. We are not vigilantes. I have never had to pick up a gun and I have caught 376 criminals. I don't believe in vigilantism. I do believe, and I have learned over the years, that you here can do things that can't be done on the State level.

Mr. MCCOLLUM. The good news is that in our State of Florida, John, they passed the 85 percent rule this year.

Mr. WALSH. Absolutely.

Mr. MCCOLLUM. It was a new law this summer. At least we are getting a little progress.

Mr. WALSH. About time.

Mr. MCCOLLUM. It is about time.

Mr. Coble.

Mr. COBLE. Thank you, Mr. Chairman.

Mr. Walsh, thank you for your testimony.

When my friend from New York talked about the State and local governments, he may have been hurling that dart in the direction of my eye because I am one of these proponents who advocate as much local and State activity as possible. If it can be done in Greensboro or High Point or Asheboro in my district rather than Raleigh, our capital, do it locally. If it can be done in Raleigh rather than Washington, for gosh sakes, do it in Raleigh.

Now that's not to say, Mr. Walsh, that I want the Federal Government out of my life. That is not to say that at all.

Mr. WALSH. Right.

Mr. COBLE. And this may well be an area where it needs to be done in Greensboro, Raleigh, and Washington.

Now, having said that, it is my belief that the Federal kidnapping statute would activate—once it becomes evident or apparent or reasonable to believe that interstate commerce is involved, would you advocate, Mr. Walsh, the activation, for want of a better word, of concurrent jurisdiction kicking in regarding the investigation of all child abductions?

Mr. WALSH. Well, absolutely, and I want to address—I, like most Americans, don't want to see Uncle Sam and the Federal Government in every aspect of our lives. Every poll that has been ever taken has said the Americans, if the Federal Government can do the better job better and the penalties for certain crimes are stiffer—

Mr. COBLE. Can I concur with that.

Mr. WALSH [continuing]. Let the Federal Government.

I mean, if you are talking about a one-man sheriff department somewhere in rural North Carolina, he isn't going to have the resources, and the serial killer who stops there at a truck stop and kills someone that night because he wants to get high and rape somebody, and the next day is in Georgia and then he is on his way to North Dakota.

Mr. COBLE. We are not in disagreement on that.

Mr. WALSH. Absolutely.

Now I say, to make it simple, if we draft a Federal death penalty kidnapping bill, I say that you don't have to cross the State line,

you simply have to kidnap a child and murder that child, simply murder that child. I call it death for death, that is all.

And I know that the vast majority—I have talked to the FBI. The vast majority of this investigation will be done by the local police in these cases, with the assistance of the FBI. The local State prosecutor probably will prepare the case, in conjunction with the Federal prosecutor.

But because Federal law is so tough and so exacting and Federal jurisdiction is so all encompassing, I know pedophiles who go into States that do not have the death penalty. There is a group called NAMBLA, the North American Man-Boy Love Association. They advocate sex with small children. They are a group of pedophiles that are 10 times more sophisticated than any other type of criminals out there. They know what States don't have background checks of teachers so pedophile teachers can get certificates. They know what States don't have the death penalty.

So I say make it simple. You kidnap a child, you kill that child, you are under Federal jurisdiction.

Mr. COBLE. So you would advocate the application of concurrent jurisdiction to kick in when it became apparent that a murder had taken place.

Mr. WALSH. Absolutely. Absolutely.

Mr. COBLE. You mentioned, Mr. Walsh, about your having to—you and your staff having to contact the various police stations in Florida earlier. Could you not have gotten that on the teletype?

Mr. WALSH. The teletype went out. This is 14 years ago. The teletype is like a smoke burner. I have testified, for example, with the FBI on many occasions. Their NCIC computer was years behind. I mean now they are starting a new facility. But no one looked at the teletype.

Truthfully and honestly, as many good cops as there are, a cop in Tampa, FL, has so much on his plate, so many cases, he doesn't give one damn what is going on in Hollywood, FL, and that is it. That is the harsh reality.

You have got New York City that had 2,400 homicides last year. There is a city that had more homicides than every country in Western Europe, Scandinavia, and Canada, put together. That homicide detective is probably working 14, 16 cases. His plate is full. He is trying to clear two or three cases. He doesn't have a clue that somebody is wanted up in Rochester, NY, or in Buffalo, NY. He has got his plate full. That is the reality.

The teletype—I mean I would hope that one day that there would be a high-tech network like this Internet. I have talked to many, many of the ladies of the computer companies in the United States, but it seems to be that at some point there is going to have to be a Federal mandate.

The FBI has had great success with NCIC, but not everywhere has an NCIC terminal. Not every cop car has that computer that it should have. We did two guys on "America's Most Wanted" named Skillicorn and Nicklasson. They went and saw that violent movie "Natural Born Killers." They went around the country and killed four people.

They were picked up hitchhiking by an intersection in San Diego. They had been on the FBI's Top 10 for a week. Bulletins were put

in every NCIC unit. We got a call from the San Diego sheriff's department said, "We got a guy that bragged he is on 'America's Most Wanted.' He won't give us his name."

I said—we said, "Look for identifying tattoos; bah dah, dah, dah, dah." We are private, we are television. Our operator identified the tattoos and said, "Boy, this is great. You have got Nicklasson; then you must have Skillicorn."

They said, "You know what? We took the other guy back. We had nothing to hold him on. We took him back out on the highway and let him go." Serial killers.

By a news bulletin that night, a person on a cellular phone saw that guy out there hitchhiking, and they went out and rearrested him. He had already gone into Tijuana and come back into the United States.

In this day and age, with all the high-tech equipment we have, police don't have it. People don't understand that. Two serial killers, the San Diego police had them in custody, didn't even know they were on the FBI Top 10.

Mr. COBLE. Mr. Walsh, that red light illuminates, and that means the chairman may come after you and me, both.

Mr. WALSH. You are right.

Mr. MCCOLLUM. I am afraid that is going to happen.

Mr. COBLE. I will yield back now.

Mr. WALSH. I am done, and I thank you again. I know this is a committee——

Mr. MCCOLLUM. We have other people to ask you questions.

Mr. WALSH. I am sorry.

Mr. MCCOLLUM. Only Mr. Coble's time is over.

Mr. Heineman.

Mr. Scott.

Mr. SCOTT. Thank you, Mr. Chairman.

Mr. Walsh, I noticed that everybody is campaigning being tough on crime and getting elected. The crime issue is a very easy one to get elected on.

Unfortunately, some of the things that help you in a campaign don't make any sense when you try to implement it into policy, and abolishing parole is one of those, because when you try to implement it, it sounds like everybody is getting more time, but we found in Virginia that proposal, which essentially abolished parole, has had the effect of tripling and quadrupling the time served by the lowest-risk prisoners and cutting the potential time for the most heinous criminals in half.

Mr. WALSH. I agree. I am very specific.

Mr. SCOTT. And——

Mr. WALSH. My proposals are very specific.

Mr. SCOTT. I think you mentioned Richard Allen Davis. That is not an example of why we need a three strikes law. That is what happens when you have no parole because he was in on a first offense with a life sentence and was denied parole repeatedly.

They calculated his time after California cracked down on crime and abolished parole, resentenced him, and in fact he had already served more than his recent calibration, and he was out forthwith. He got caught again, got one of those, you get 8 years, you serve

8 years. Had he been on the first one, he would have still been in on the first, definitely the second offense.

Since you had determinate sentencing, he was able to get out. Then Polly Klaas was the victim, not because of the lack of three strikes but because you had the simple-minded process where you are trying to crack down on crime and it actually became counter-productive.

So I think we need to be careful as we proceed. People can get elected, but I hope as we implement policy we try to do the kinds of things that—

Mr. WALSH. I do, too. There are lots of people that don't belong in jail, there are lots of people that need to be paroled, and I just—my—I am here today to talk about the serial killer and the killer of children and the repeat offender, the repeat offender rapist, et cetera, et cetera.

Now the Justice Department said that the average time served in the United States 2 years ago for first-degree premeditated murder was about 7½ years. Now it is down to five 5.6 years. Now that means if you are a child killer, you are a premeditated murderer of anybody, you are going to serve 5 years, the same as every American citizen.

I know there are people that don't belong in jail. I know there are people that need to be paroled. I know that there are lots of people in jail that need to be in drug rehab, that need to be in treatment. I do know I am sick of doing the show for 8 years and looking at rapsheets this long of people that have beat the system, been arrested 17, 18, 19 times, paroled for violent, violent offenses, to get out to reoffend. I am very specific in the type of criminal that I would like to see put in jail for a long time.

Mr. SCOTT. And it seems to me the responsibility for that should be with the parole board that looked at the rapsheet and let them out.

Mr. WALSH. You know something? Let's look at the case of the guy I talked about in Texas, Kenneth McDuff. He hired the former head of the parole board. She took the file to two members who didn't have time to look at it. Because she said he should be paroled, he was paroled.

The right of the parole boards, they changed the law in Texas. Nobody gets paroled unless 12 members of the parole board look at it.

I would love to think parole boards were sophisticated, that parole boards were well funded, that they are tough. They don't know what the hell they are doing. They are so damn busy, they look at the file. You think you are busy looking at pieces of legislation. I have sat in parole hearings. They are not prepared.

Mr. SCOTT. And shouldn't the focus be trying to make the parole system work?

You said the average of 5.6 years, some may be serving 20 or 25 years, some may be serving 3 or 4 years, and for the people that we want in jail, a very liberal parole system allows us to stretch these sentences 20, 25, 40 years, life on one end and use judgment to let the lower-risk prisoners out, and if you give everybody the same thing going in, you may not have that flexibility as you have got one person may get a GED, may get job training, may have a

home to go back to, may have a job waiting for them, and another guy just looks you dead in the eye and says, "I tell you, I am just sorry I didn't kill the witness."

Mr. WALSH. Let me tell you, the best prisoners in prison are the pedophiles. They are the model prisoners. They are the guy you saw on the news last night whose name was Walsh. He was in twice. He violated his parole and got out.

I don't say—I am saying the offense should dictate the sentence.

Mr. SCOTT. I know a lot of people write me and complain, they can't get on parole. You get a standard form letter. The standard form is, the nature of the offense is why you didn't get parole, and that is what the parole board ought to take into consideration.

Let me ask before my time runs out a specific question about the information which various police departments have in terms of conforming to the same format so that someone in Virginia can get—download the information from Michigan about various criminals.

If you have a crime that has occurred in Virginia, you—there ought to be a national network you can run the crime through, and there may be some similar situations, similar descriptions, that kind of thing. Is that part of your recommendation that the data bases, State by State, be upgraded so that that information can freely flow?

Mr. WALSH. Absolutely. The experts will tell you when they get up here about the National Crime Information Computer, the FBI computer that stores criminals, information about criminals, And many times it is voluntary by that police agency.

So there needs to be a Federal mandate that every type—I mean for years there has been VICAP down at Quantico, at the FBI, Violent Criminal Apprehension Program, trying to get chiefs of police and detectives to input information, give them statistics.

But you know, a mayor gets elected, and he says to the chief, you know, "It is a big election year. Let's downplay the crimes a little bit. Let's not report all the stuff that has gone on in my area." The chief says, "I am supposed to." "Well, no you don't want to be"—"you are not going to be chief, you know, when I get elected," et cetera.

But I mean there is very shoddy reporting. I would hope—I mean, it would be one thing to mandate police use the NCIR. It is another thing to give them the training and the funding.

I mean, I learned for 14 years, legislation with no oversight and no money behind it is nothing but a signing, a photo op. Big tough bill; I stand there; I sign it with a Congressman or a President or somebody; no oversight; no money. That is the reality behind this.

And, again, we have this AFIS finger printing system in several States, which is a scanning of a partial print. Some of the AFIS don't exchange information. They are different computer systems. It is a nightmare, and you have got all these different police agencies, and the one way to solve this is like the Royal Canadian Mounted Police and other police agencies in other countries. They mandate that the local law enforcement use one system, and they exchange information instantaneously. Boy, I would hope to see that in my lifetime.

Mr. MCCOLLUM. Thank you very much.

Mr. Scott, your time has expired.

Mr. Heineman, you are recognized for 5 minutes.

Mr. HEINEMAN. Thank you, Mr. Chairman.

I think we all have the same sentiments. Certainly we don't have to comment on your enthusiasm for this and your high energy, justifiably so. And true, I have to admit that across this country for so many years we have been swatting mosquitos and perhaps it is time to drain the swamp.

I would like to see, and certainly I will, with my colleagues here, discuss the feasibility of a national summit on child abuse, child care. Perhaps it is time. Perhaps you, as a lightning rod, may have spurred things that on Capitol Hill may not always have seemed a high priority, but I think children are the most—as I indicated before, the most highest priority in law enforcement.

And the FBI has their role. I have used them many times. I have called Quantico many times for psychological profiles and have been amazed and wondered if there wasn't a lot of parapsychology up there. But I think over the years that they have been time tested. I think that local law enforcement, of which there are probably 550,000 or 600,000 officers across this country, we need to be marching to the same tune.

Mr. WALSH. Absolutely.

Mr. HEINEMAN. And I, myself, I have watched chicken hawks. I have watched them on 42d Street, Times Square, watched them work and operate, and there is no one type of chicken hawk other than to watch the MO.

I have seen CEO's, high ranking members of the military, perhaps police chiefs, I don't know. There is not one—one type of person that gets into chicken hawking.

But I don't think anything is more repulsive than that and the product of what they do to either Federal law enforcement or local law enforcement. We will discuss—we will discuss this and hopefully bring things to a head.

Mr. WALSH. Be great.

Mr. HEINEMAN. And let the Federal Government take their part and fine-tune the local enforcement to their part, and as much as can be done, I think we can do that.

We do have a vote. Mr. Chairman, I will yield back the balance of my time.

Mr. MCCOLLUM. Thank you very much.

If Mr. Chabot or Mr. Barr come back, would either of you like to question Mr. Walsh?

Mr. CHABOT. I have no questions at this time.

Mr. MCCOLLUM. Mr. Barr, would you like to try now?

Mr. BARR. I will just take a moment.

Mr. MCCOLLUM. I will be glad to yield to you.

Mr. BARR. I apologize. We had some other committee votes on a different subcommittee that I had to leave for, Mr. Walsh, so I wasn't able to benefit from your entire testimony. I certainly understand your concern, and I appreciate the work that you have done.

My only note of caution would be caution a little bit about a drive for federalism in this area. I think that I know we have a lot of statistics in this area of criminal activity as well as others, and one thing that those statistics do show is that simply federalizing a crime, simply creating a Federal bureaucracy, simply using Fed-

eral money instead of local money, does not necessarily solve anything.

I have been to Canada. That is a great country. It is not America. I have been to other countries where they may do a better job from time to time in maintaining security, but you are not free. So we have a delicate balance here, and I would just urge a little bit of caution on a head-long drive to federalize everything here.

There are basically two ways that the Federal Government, as any government, can try and achieve a certain result: One is to force, require or mandate something; the other is to provide incentives; and my preference always is, in the first instance, to try and look at the incentive side if there are tools out there that are not being used effectively or that are not available to local law enforcement, then I think we also ought to explore ways to make those tools available and to provide incentives, whether it is through grants or tax incentives, or whatnot, to utilize those tools before we get in what I think is a somewhat problematic area of just immediately moving to federalize and expand Federal jurisdiction and create more Federal bureaucracy.

So that would be all. I would just caution your enthusiasm a little bit in that area. There is a very delicate balance that we have to strike.

Mr. WALSH. I am very well aware, and I know you didn't hear my testimony, but I dealt with that specifically, because 17,000 police agencies in the United States don't exchange information on anything. Most of them are 10 men and women and under.

If you have a two-man sheriff department in Butte, MT, and a Ted Bundy goes through there and kills a little girl there and he is on his way across the United States, they don't have dime one to track them, dime one to solve that crime, or dime one to catch him there.

There is only one agency that can catch serial pedophiles of children and serial murderers, like Henry Lee Lucas and Odis Toole who, I said while you were out of the room, learned one thing—and these guys had a 90 IQ—that they could take a woman or child from anywhere in this country. The minute they cross a county line, not a city and not a State line, they were safe. And there is only one agency that is good at tracking these guys, and that is the FBI.

Mr. BARR. I think also in terms even without expanding the jurisdiction of the FBI or indeed any Federal agencies—and I have been a Federal prosecutor. There are not too many crimes, if any, particularly of the sort that you are talking about, that there is not an interstate connection somewhere that can't be found and doesn't exist there.

So I think that in virtually every one of these instances there is a role for the Federal Government, and I certainly agree, there is no finer law enforcement agency in the world, Royal Canadian Mounted Police included, than the FBI, and I want to see them involved in these cases. But I am not sure we need to expand Federal jurisdiction and bureaucracy to get to that point, and, if we do, I would like to try other alternatives first.

Mr. WALSH. And I am only asking for one specific piece of legislation first.

Mr. BARR. Thank you.

Mr. WALSH. Kidnap a child in the United States anywhere; you kill that child; you be prosecuted under Federal law under the death penalty. We can work it out.

I have talked to the FBI. It sounds like an oversimplification. I am very well aware that it is not. We have to come up with an age, we have to come up with circumstances of it.

There are pedophile organizations and child killers out here who purposely kill children in nondeath penalty States because they know they are only going to serve 5 years.

I hunted a guy down 6 months ago who killed a child in a nondeath penalty State. He served 5 years, and he got out, and he killed a little girl within the first month. I would like to send that—

Mr. BARR. I agree with you.

Mr. WALSH. I would like to send that message.

Mr. BARR. The death penalty is a serious, very serious deterrent.

Mr. WALSH. A deterrent.

Mr. BARR. I apologize, I don't want to make any of us miss our vote. I apologize.

Mr. MCCOLLUM. First of all, I want to thank you again, John Walsh, for coming and being with us.

I have looked at the statute in the meantime. I am sure there are some adjustments we can make. There are some presumptions in there, or technical things you have said, that perhaps we can do to open the door wider for the FBI and for our Federal prosecutors. If that can be done, I think Mr. Barr and I and all of us will be willing to do that. I think that is what we are talking about.

You have been a tremendous asset by being here today. I thank you.

When we come back, we will have the next panel assume their seats. Thank you again.

[Recess.]

Mr. MCCOLLUM. I am going to call the hearing of the subcommittee to order. We have a very limited period to have our hearing today because of the scheduling this morning and I don't know how far we will get before we have another vote.

If I could have the second panel I will introduce you. Robin Montgomery is the Special Agent in Charge of the FBI's Critical Incident Response Group.

As such, he is responsible for overseeing the training and work of elite units such as the Hostage Rescue Team, the Child Abduction and Serial Killer Unit, and the Crisis Management Unit. Mr. Montgomery is a 24-year veteran of the FBI. Prior to his present assignment, he was the Special Agent in Charge of the FBI's Portland, OR, office. Mr. Montgomery was a Marine officer in Vietnam, where he was awarded the Navy Cross, the Nation's second highest decoration for valor.

William Hagmaier is a Supervisory Special Agent with the FBI and is Unit Chief of the FBI Child Abduction and Serial Killer Unit. He is a 17-year veteran of the FBI, spending 10 years in the Behavioral Science Unit specializing in crime analysis and criminal personality profiling.

Mr. Hagmaier also serves as Chief of the Morgan P. Hardiman Task Force on Missing an Exploited Children, comprised of representatives of seven Federal law enforcement agencies.

Kenneth Lanning is a Supervisory Special Agent with the FBI's Behavioral Science Unit. He specializes in the criminal aspects of deviant sexual behavior and the study of sexual victimization of children. A 25-year veteran of the FBI, Mr. Lanning lectures widely and has published articles and chapters in textbooks on the subject of child exploitation. He received the University of Virginia's Jefferson Award for research in 1990 for his work on the ritualistic abuse of children.

We will have a vote. I would like to spend about 10 minutes and let you, Mr. Montgomery, go first. Let's see how far we can go.

STATEMENT OF ROBIN L. MONTGOMERY, SPECIAL AGENT IN CHARGE, CRITICAL INCIDENT RESPONSE GROUP, FEDERAL BUREAU OF INVESTIGATION

Mr. MONTGOMERY. Thank you, Mr. Chairman. As you mentioned, I am responsible for the Critical Incident Response Group, a newly formed group within the FBI of which the Child Abduction Serial Killer Unit is part of. You mentioned Ken Lanning and Bill Hagmaier. They are with me to answer your questions concerning the issues of child abduction, serial killing in the United States.

The Critical Incident Response Group is an operational component composed of two branches. The Tactical Support Branch includes the Hostage Rescue Team, the SWAT Training Unit, and the Special Detail Unit. The Special Investigations Branch includes the Investigative Support Unit, the Crisis Management Unit, the Undercover Safeguard Unit, the Aviation and Special Operations Unit, and the Child Abduction and Serial Killer Unit.

During emergency situations, I will also have available the Rapid Start Team for information management, the Crisis Response Team for establishing communications and providing other technological needs, and I also have access to the Laboratory's Evidence Response Teams that are used frequently in these major child abduction cases.

This Unit was created in response to two of the most critical threats to our citizens. It is a rapid response group comprised of 12 highly trained special agents, who will assist law enforcement agencies in cases involving the abduction or mysterious disappearance of children where a child's safety is believed to be at risk. It is also responsive to cases of serial murder.

It is our expectation that this new unit will also conduct ongoing research in these two areas in an attempt to more fully understand the motives and methodology of the perpetrators. This research could lead to earlier resolution of future cases.

Initially, it is the role of this unit to identify resources within the FBI and to locate other national resources such as the Armed Forces Institute of Pathology that can be immediately applied to these types of cases. This unit will coordinate the application of these resources as well as explore emerging technology such as our Drugfire Program; innovative application of current technology, such as DNA analysis; and the identification of improved investigative methods.

Typically, when a request for assistance is received, the unit will respond either telephonically or on site if appropriate, and conduct an immediate needs assessment to determine if such resources as enhanced surveillance presence to include aviation support, evidence response teams, Rapid Start, or any such entity should be employed.

I am going to skip reading the majority of my statement you have before you.

Mr. MCCOLLUM. You are welcome to summarize.

Mr. MONTGOMERY. I will do that in the interest of time. This unit relies heavily on the reporting mechanisms in the United States by State and local law enforcement to become as active as quickly as possible in these cases. This is of the utmost criticality in addressing these cases at the earliest outset, and several of the mechanisms we use are VICAP, you heard that mentioned in Mr. Walsh's testimony, where these individuals at Quantico review the National Law Enforcement Teletype System on a day-to-day basis, not to find out whether some things that are occurring in the Northwest are occurring in the other parts of the country, but to try to make a connection of cases of some similarity, and once that occurs hopefully getting the two agencies together, but if there is a case that may look like a serial case or a child abduction case, to immediately get on the phone with either our FBI field office or directly with the agency reporting that incident to assess as to what kind of crime we are looking at with the child.

The Morgan P. Hardiman Task Force is comprised of law enforcement agents from several law enforcement, Federal law enforcement agencies as was mandated by the crime bill of 1994. What is hoped would be done with that unit would be to do what Mr. Walsh stated, is to target the repeat offenders, to target the predators, to develop a profile case profile on these types of individuals and hopefully preclude the types of crimes that we are seeing in this country today primarily caused by the child repeat offender.

That, in a nutshell, are the two major components of this new concept with the FBI to address child abduction and serial killer cases. It has evolved from our kidnapping roll. As somebody that has been in charge of a field office, this kind of case where there is an abducted child gets the highest priority.

Manuals or rules and regulations are immaterial to something like this. We are all parents. We all recognize the importance of addressing these things quickly, and they are done quickly, and there are anecdotal examples of that continuing. This is, I think, the FBI's response to recognizing that there is a problem in this country and that we can be of assistance to State and local jurisdictions because they don't have the luxury of collating the kinds of information we hope to ultimately collate and provide the long-term guidance in these kinds of cases that they don't have the luxury of doing given their day-to-day routine. I am sorry; I have kind of synopsized.

[The prepared statement of Mr. Montgomery follows:]

PREPARED STATEMENT OF ROBIN L. MONTGOMERY, SPECIAL AGENT IN CHARGE,
CRITICAL INCIDENT RESPONSE GROUP, FEDERAL BUREAU OF INVESTIGATION

My name is Robin Montgomery. I am the Special Agent in Charge of the FBI's Critical Incident Response Group (CIRG), lodged at Quantico, Virginia. Prior to my

present assignment, I was the Special Agent in Charge of the FBI's Portland, Oregon, Field Division, and prior to that I was the Section Chief of the FBI's Violent Crime Section, Criminal Investigative Division, which has oversight in matters of violent crime to include our involvement in Child Kidnapping and Serial Murder cases.

I would like to introduce other members of the FBI who are with us today. Special Agent Ken Lanning, a member of the FBI's Behavioral Science Unit, is a pioneer in the field of child sexual exploitation and abduction. Bill Hagmaier is the Unit Chief of the CIRG's Child Abduction and Serial Killer Unit and has oversight of the Morgan P. Hardiman Task Force on Missing and Exploited Children, which was created in the recently enacted Crime Bill.

By way of background, I would like to share a brief overview of the CIRG. The Group was created on May 17, 1994, to better coordinate the FBI's response to a major law enforcement crisis. The CIRG consolidates, under one umbrella, all the Bureau's units and functions that deal with crisis situations—creating in effect, “one-stop shopping for crisis management.”

The CIRG is an operational component composed of two branches. The Tactical Support Branch includes the Hostage Rescue Team, the SWAT Training Unit, and the Special Detail Unit. The Special Investigations Branch includes the Investigative Support Unit, the Crisis Management Unit, the Undercover Safeguard Unit, the Aviation and Special Operations Unit, and the Child Abduction and Serial Killer Unit. During emergency situations, I will also have available the Rapid Start Team for information management, the Crisis Response Team for establishing communications and providing other technological needs, and the Laboratory's Evidence Response Team.

The Unit of present interest to this hearing is the Child Abduction and Serial Killer Unit. This Unit was created in response to two of the most critical threats to our citizens. It is a rapid response group comprised of twelve highly trained Special Agents who will assist law enforcement agencies in cases involving the abduction or mysterious disappearance of children where a child's safety is believed to be at risk. It is also responsive to cases of serial murder. It is our expectation that this unit will also conduct ongoing research in these two areas in an attempt to more fully understand the motives and methodology of the perpetrators. This research could lead to earlier resolution of future cases.

Initially, it is the role of the Unit to identify resources within the FBI and to locate other national resources such as the Armed Forces Institute of Pathology that can be immediately applied to these cases. The Unit will coordinate the application of these resources as well as explore emerging technology, such as our Drugfire Program; innovative application of current technology, such as DNA analysis; and the identification of improved investigative methods.

Typically, when a request for assistance is received, the Unit will respond either telephonically, or on-site if appropriate, and conduct an immediate needs assessment to determine if such resources as an enhanced surveillance presence to include aviation support, evidence response teams, Rapid Start, or any other such entity should be employed. The Unit will, when appropriate, offer investigative briefings to reflect crime scene analysis and offender personality assessments. It will also assist in the development of interview strategies and search warrant preparation and can further aid prosecutors in case presentation and expert testimony.

Cases are referred to the Unit either directly from local and state agencies or through a network of violent crime coordinators located in each FBI field division. Additionally, in the area of child abduction, many referrals arrive from the National Center for Missing and Exploited Children. The Unit and the Center have an excellent working relationship that includes not only case referrals, but also cross training of staff and joint research projects in such areas as infant abduction and child molestation that have proved to be of tremendous service to local investigators. As a further example of the close working relationship, I serve on the Board of Directors at the Center.

The Unit also has ongoing support from the FBI's Violent Criminal Apprehension Program—VICAP. VICAP has been functional for approximately ten years and its purpose is to perform as a nationwide information center to collect, collate, and analyze investigative data of violent crimes.

The mission of VICAP is to identify similar pattern characteristics of serial killers and serial abductors and share this information with appropriate agencies in an attempt to track the offenders and cut short criminal careers.

As legislated by the Crime Bill, the Morgan P. Hardiman Task Force on Missing and Exploited Children was placed under the management of the FBI. The Task Force was created by Congress and designed to be “. . . comprised of law enforcement officers from pertinent Federal agencies to work with the National Center for

Missing and Exploited Children, and coordinate the provision of Federal law enforcement resources to assist state and local authorities in investigating the most difficult cases of missing and exploited children." The Task Force will include at least two members each from the FBI; United States Secret Service; Bureau of Alcohol, Tobacco and Firearms; United States Customs Service; Postal Inspection Service; United States Marshal's Service; and the Drug Enforcement Administration.

The Chief of the Child Abduction and Serial Killer Unit also serves as the Chief of the Task Force. This will ensure that local and state law enforcement can expect appropriate and timely response to their requests and also attempt to preclude any duplication of efforts and services. The Unit and Task Force will share office space.

In terms of defining the missions specific to the Unit and the Task Force, the Unit will handle all requests from FBI offices and those of local agencies relative to children missing as a result of abduction or missing under suspicious circumstances. An unsolved homicide of a child wherein the body is discovered away from caretaker control will be considered suspicious and treated as an abduction.

The main thrust of the Task Force will be in utilizing the combined resources of the member agencies to assist local investigators in determining the total criminal responsibilities of known offenders. The development of offender time lines will be of potentially tremendous assistance in resolving unsolved crimes against children.

From the National Incidence Studies of Missing, Abducted, Runaway, and Thrownaway Children in America, we can estimate that between 3200 and 4600 nonfamily abductions of children occur annually. Of these, 200 to 300 are considered long-term abductions. Of special concern are the estimated 43 to 147 stranger abduction homicides of children a year.

The FBI remains committed to applying all possible resources to protect innocent men, women, and children from those who would prey upon them. The Child Abduction and Serial Killer Unit of the FBI and the Morgan P. Hardiman Task Force exemplify this commitment to focus on some of our most heinous crimes. We appreciate the opportunity to share with you today our concerns and our hopes that law enforcement, through a coordinated effort, can have a significant impact in reducing these violent crimes.

Mr. McCOLLUM. I think rather than trying to compress the testimony of any other witness into this period, we will recess. This should be the last vote today. We will be back in, I hope, 10 minutes or so. Thank you. We are in recess.

[Recess.]

Mr. McCOLLUM. This subcommittee hearing is called to order. That was the last vote of the day and that gives us a chance to complete these hearings uninterrupted. We know we had to move this to the afternoon to begin with. Mr. Lanning, please proceed to let us hear what you wish to tell us.

STATEMENT OF KENNETH V. LANNING, SUPERVISORY SPECIAL AGENT, BEHAVIORAL SCIENCE UNIT, FEDERAL BUREAU OF INVESTIGATION

Mr. LANNING. I am going to try to synopsise the submitted statement that you have available. My statement here today will briefly discuss the nature and extent of the child abduction problem and consider some of the impediments to the FBI's successfully, effectively and efficiently addressing its responsibilities.

I don't intend to be pessimistic or to nitpick, but to be professionally objective and trying to find solutions to these problems. The focus of my statement will be on sexually motivated child abduction, some of the things Mr. Walsh talked about. This problem can be defined by four criteria: the age of the victim, children, the motivation for the abduction, molestation, the type of offense, abduction and the relationship between the offender and the victim, nonfamily. The cases involve the nonfamily abduction of victims younger than 18 years of age primarily for the sexual gratification of the perpetrator.

Definitions are extremely important, in my opinion. In written and spoken communication, definitions are crucial to understanding. The problem is that when we use basic or common terms, we rarely define them. The result is often the confusion created by calling different things by the same name or the same thing by different names. The important point is not that terms should or can have only one definition, but that people using them should communicate their definitions and people reading or listening should recognize those definitions, whatever they might be. I will therefore define these basic, but important, terms.

No. 1, Child. What is a child? The answer to this seemingly basic and simply question can be confusing and complex. It is not clear by either legal or societal standards when childhood begins and when it ends. There clearly can be a conflict among laws and between law and society when it comes to defining the term "a child." The main difficulty is with the 13- to 17-year-old age group. Those are the victims who most likely look like adults, act like adults, and have sex drives like adults; but who may or may not be considered children under all laws or by society.

Most estimates and incidence studies of missing children, such as the National Incidence Studies of Missing, Abducted, Runaway, and Thrownaway Children (NISMART), define and count adolescents as children. Many people, however, using or hearing the term "missing child" or "abducted child" are probably referring to or thinking about children 12 years of age or younger. Prevention slogans such as "Never leave your children unattended," have little application to teenagers.

One of the problems in using this broad, but sentimentally appealing, definition of a child is that it lumps together individuals who may be more unlike than alike. In fact, 16-year-olds may be socially and physically more like 28-year-old young adults than 4-year-old children. Pubescent teenagers can be viable sexual targets of a much larger population of offenders. NISMART estimates that teenagers, 50 percent, and girls, 75 percent, were the most common victims of nonfamily abduction, meaning that we are talking about abduction primarily of teenagers.

Another related issue concerns the age difference between the child victim and the perpetrator. The general perception is to assume the offender is a significantly older adult. This is often not true, especially when referring to adolescent victims. Recently, there has even been considerable media attention about cases involving child abductors who are younger than 10 years of age. Children abducted in a sexual context by an offender who is a child or peer are and should be considered victims of sexually motivated child abduction.

Another important term is "abduction missing." Most of the attention on abducted children arises from concern and publicity about "missing" children. The terms "abduction and missing," have become almost synonymous.

NISMART estimates 3,200 to 4,600 "legal definition" nonfamily abductions of children annually in the United States. Because the vast majority of these abductions were of short duration, or what I call "short-term abductions," the absence was usually not noted before the return of the child.

Therefore, these children were, by common definition, not even missing children. Of the total nonfamily abductions, NISMART estimates 200 to 300 are "stereotypical kidnappings," or what I call "long-term abductions." These children, by definition, are both abducted and missing. This means that only approximately 6.25 percent to 6.50 percent of nonfamily abducted children are technically missing children.

In short-term abduction cases, the motivation is easier to evaluate and the investigation focuses primarily on the sexual assault. In long-term abduction cases, the motivation is harder to evaluate and the investigation usually focuses on finding the child.

Another important point is that abduction can involve not only forcibly moving, but also preventing the return of a child. Some children go with the offender voluntarily with or without parental knowledge or permission. When they fail to return at a designated time, they can become "abducted" children.

Law enforcement agencies almost always respond with maximum resources when the nonfamily abduction of a child is clearly known. However, in many missing children cases, especially those involving teenagers, determining if an abduction even took place can be difficult. Without reliable witnesses, a variety of factors about a missing child, such as the tender age, past history, family situation, and even socioeconomic status, are often considered in deciding if an abduction has occurred.

The possibility of consent by a teenager can also be a major issue in whether or not an abduction took place or is prosecuted. I have been involved in many cases where somebody lures a teenage child but with the child's cooperation and when the child is found, there is no kidnapping prosecution because the attitude is the teenage child went voluntarily. A runaway or lured-away child, however, can easily become an abducted child when prevented from returning.

The publicity and attention paid to unsolved or fatal stereotypical child abductions should not obscure the fact that the vast majority of sexually motivated child abductors release their victims alive and sometimes even help return them to the vicinity of their homes.

Molestation. There is a tendency to focus only on sexual motivation abduction. From a motive perspective, nonfamily abductions can generally be divided into six broad categories:

(1) Nontraditional—very young children abducted predominately by a woman to fill a perceived void in the offender's life.

(2) Ransom—children abducted to obtain financial benefit from the victim's family. These are usually easy to solve because the abductor must make some contact with the family.

(3) Profit—children abducted to obtain financial benefit from a third party. Most for-profit trafficking in children involves buying, not abducting, children from parents or legal guardians. Cases involving forcible abduction are rare in the United States. Cases involving some kind of deception; i.e., telling the mother her baby died at birth are less rare.

(4) Sexual—children abducted primarily for the sexual gratification of the offender. This is the focus of this discussion.

(5) Killing—children abducted to be killed by the offender. For some individuals, the act of killing itself brings arousal and/or gratification. From an investigative analysis perspective, there is a difference between a murderer who happens to sexually assault his victim and a molester who happens to murder his victim.

(6) Miscellaneous criminal—children abducted for a wide variety of reasons related to criminal activity. Common examples include crimes such as stealing a vehicle with a child in it, taking a child hostage to facilitate escape, abducting a child in retaliation for a personal or criminal disagreement or to prevent testimony in court, abducting a child along with an adult who is the true intended victim, etc.

Motivation and sexual assault are generally easier to evaluate in short-term abduction cases. The child is returned alive and hopefully can describe the offender's behavior and/or is examined by a qualified physician. If the child is recovered dead, a good crime scene examination and autopsy may help determine motivation and indicate sexual assault. If the child remains missing, however, motivation often is not knowable with certainty and investigators must keep an open mind and not pursue only one investigative possibility.

NISMART estimates that two-thirds or more of the short-term abductions involved sexual assault. Deciding or determining that an abduction is sexually motivated may not always be essential in an investigation or prosecution. In long-term abduction cases, however, it usually plays a major role in identifying and evaluating potential suspects.

Nonfamily. These cases were, and often still are, called "stranger abductions." This is a misleading term. The concept of exactly who is a stranger is often difficult for young and even older children to understand. Who is a stranger can be viewed on a continuum. It can range from someone never seen before and unknown, to someone seen but nameless, to someone named but unknown, to someone named and slightly known, and anyone in between. More importantly, the term has little criminal justice significance and children are often criminally abducted or held by well-known acquaintances.

These cases are more properly called "nonfamily" to differentiate them from the larger and dynamically and legally different category or family or parental abductions. In today's world, even this distinction is not always easy. Many children live in nontraditional families with stepparents, stepgrandparents, stepsiblings, parents' live-in lovers, cults, etc. These relationships can create confusion and legal problems concerning permission, consent and child abduction.

Child molesters who abduct: Why do some child molesters abduct their victims and others do not? Children can generally be easily controlled and manipulated by adults without physical force. Child molesters who nonviolently seduce or coerce their victims frequently come under minimal investigative scrutiny. Those who forcibly abduct and physically injure their victims usually become subjects of large-scale, intensive investigations.

From the offender's point of view, it seems to make little sense to abduct a child victim. Research suggests that the use of abduc-

tion may stem primarily from the offender's poor interpersonal and social skills and their otherwise inability to control their victims.

Perpetrators of sexually motivated nonfamily child abduction appear to be a widely diverse population of offenders. This may be due in part to the broad definition of the term. The use of physical violence and deadly force is usually not necessary to sexually victimize a child. Most child molesters seduce, manipulate, or coerce children well-known or related to them. When committing a forcible sexual assault and abduction, however, it is criminally smart to target strangers; i.e., victims to whom you cannot be connected.

Criminal investigative analysis: Tracking and attempting to link similar cases and patterns of behavior is essential. The concept of what is similar must be carefully evaluated. Some sex offenders become more violent and dangerous as their crimes progress. Others do not steadily progress from less serious to more serious acts.

In fact, some zigzag back and forth between nuisance and serious sex offenses. During the same general timeframe, one offender may also victimize both adults and children. As previously discussed, the age of the child victim is an important factor in this analysis. Some offenders may see little difference between a 15-year-old and a 22-year-old. In addition, the perpetrator of a short-term sexual assault may also be the perpetrator of an unsolved abduction/murder or a long-term missing child case.

Although anyone younger than the age of 18 may be considered a "child," it is clear that there are major differences between the victimization of older and younger children. The younger the child victim, the more likely it is that the murderer is a family member. However, parents who kill their young offspring seem to be less likely than other murderers of children younger than 12 to sexually assault them prior to the murder.

Albeit difficult and unpleasant, parents must be carefully evaluated and eliminated, if possible, even in cases where they report their child missing or abducted. With adolescent victims, acquaintances and peers must be considered as likely offenders and both heterosexual and homosexual relationships need to be evaluated.

The investigation of sexually motivated nonfamily child abductions, especially those involving pubescent children, should not be limited to or even automatically focus on individuals with a history of sex offenses against children. Individuals with a history of social and sexual inadequacies and poor interpersonal skills would be better suspects in most cases.

Cases where the abducted child remains "missing" are by far the most difficult, frustrating, and emotionally draining child abduction cases for law enforcement. Because the child is still missing, it is hard to identify the motivation with any degree of certainty. Without reliable witnesses, it may be hard to know the child was even abducted.

There is little to analyze other than possibly the sophistication of the abduction if it were observed. By process of elimination and statistical probability, sexually motivated nonfamily abduction usually becomes the focus of the investigation of many missing children cases.

The large reservoir of available manpower and the aggressive, high-priority style of the investigation then results in the identi-

fication of every known and suspected sex offender within 200 miles. Multiple suspects need to be prioritized by some criteria. Often it is difficult to ascertain the true and exact nature of an offender's sexual behavior from arrest records.

Investigators should be alert to the fact that many sex offenders falsely confess to crimes they did not commit or claim to have knowledge about organized child sex rings, abduction of children, satanic cults, or child murders. The information furnished usually turns out to be exaggerated, distorted, or patently false.

Investigators have no choice but to investigate and check out such allegations because they might be partially or totally true. Investigators, however, must be skeptical and cautious in their response. Such stories should be carefully evaluated and assessed, and investigators should consider early use of the polygraph by an examiner experienced in interviewing child molesters.

To date, there is no evidence to support allegations of child abductions by highly organized sex rings or satanic cults. Adults tend to believe what they want or need to believe. In a highly emotional case like a long-term child abduction, even experienced investigators can become gullible "believers" of almost anything. The emotion of these cases causes many individuals, such as witnesses, volunteers, relatives, informants, etc., to distort, misinterpret, exaggerate, embellish, or falsify the information they furnish to law enforcement.

Investigators must therefore meticulously assess and evaluate all information provided to them. The emotion also causes some investigators to develop their own theories about the abduction and refuse to change them when the evidence indicates otherwise.

Summary: Impediments to the FBI's success investigation of child abduction include the following:

1. Failure to be notified of a child abduction by the police or difficulty in maintaining interagency cooperation.
2. Difficulty in determining that a child's missing status is the result of a nonfamily abduction and should therefore merit immediate FBI investigation.
3. Difficulty in assessing and evaluating the motivation for a long-term child abduction and the fact that child abductors appear to be a widely diverse population of offenders.
4. Difficulty in developing an intelligence data base about offenders whose prior criminal activity usually does not involve violations of federal law under FBI jurisdiction.
5. Broad definition of who is a child and lack of prosecution when cases involve "consenting" adolescent victims.
6. Difficulty in evaluating and sensitivity in dealing with false allegations of child abduction.
7. Infrequency of cases makes it difficult to develop broad based investigative expertise.
8. Intense emotional response to long-term child abductions by everyone involved makes assessment of intelligence and case management extremely difficult.

Thank you very much.

[The prepared statement of Mr. Lanning follows:]

PREPARED STATEMENT OF KENNETH V. LANNING, SPECIAL SUPERVISORY AGENT,
BEHAVIORAL SCIENCE UNIT, FEDERAL BUREAU OF INVESTIGATION

INTRODUCTION The focus of this statement, child molesters who abduct, can be defined by four criteria: age of victim (child), motivation for abduction (molestation), type of offense (abduction), and relationship between offender and victim (nonfamily). The cases involve the nonfamily abduction of victims younger than 18 years of age primarily for the sexual gratification of the offender.

The age criterion is fairly straightforward and obvious, but involves lumping together individuals who physically, socially, and behaviorally vary greatly. The motivation criterion is more complicated and uncertain. The primary motivation for an abduction can be difficult to determine with certainty. The abduction criterion is a matter of legal definition and public perception. It usually implies some movement of the victim, but does not necessarily involve physical force. Although often called "stranger abduction," the nonfamily criterion is more accurately defined by the lack of a family or guardian relationship between offender and victim. Cases can and do involve abductions by acquaintances.

DEFINITIONS In written and spoken communication, definitions are crucial to understanding. The problem is that when we use basic or common terms, we rarely define them. The result is often the confusion created by calling different things by the same name or the same thing by different names. The definition problem is most acute when professionals from different disciplines come together to work or communicate. Defining terms, however, does not change the fact that in other contexts and references the same terms may be intended or defined to mean otherwise. The important point is not that terms should or can have only one definition, but that people using them should communicate their definitions and people reading or listening should recognize those definitions, whatever they might be.

These definitional issues are usually more important in communicating about the nature and scope of the crime problem, as we are doing now, than in investigating and solving the crime. Investigators need to be aware of these definitional variations, however, so that they can intelligently communicate about the problem without losing credibility.

Child What is a child? The answer to this seemingly basic and simple question can be confusing and complex. It is not clear by either legal or societal standards when childhood begins and when it ends. Is a fetus, a youth, or an adolescent a child? If adolescents are children, then a phrase like "children and adolescents" is redundant and confusing.

There clearly can be a conflict among laws and between law and society when it comes to defining the term "a child." The main difficulty is with the 13- to 17-year-old age group. Those are the victims who most likely look like adults, act like adults, and have sex drives like adults; but who may or may not be considered

children under all laws or by society. Most estimates and incidence studies of missing children, such as the National Incidence Studies of Missing, Abducted, Runaway, and Thrownaway Children (NISMART), define and count adolescents as children. Many people, however, using or hearing the term "missing child" are probably referring to or thinking about children 12 years of age or younger. Prevention slogans such as, "Never leave your children unattended," have little application to teenagers.

Sympathy for child victims is often inversely proportional to their age and sexual development. Legal definitions of who is a child vary from state to state and even statute to statute in the same state, especially when dealing with adolescent victims. To determine who is a child, law enforcement officers must turn to the law. The penal code will legally define who is a child. However, different statutes (i.e. age of consent laws, child pornography laws, etc.) applying to the same case can define a child differently. Law enforcement officers and others must still deal with their own perceptions as well as those of the jury and society as a whole.

One of the problems in using this broad, but sentimentally appealing, definition of a child is that it lumps together individuals who may be more unlike than alike. In fact, 16-year-olds may be socially and physically more like 28-year-old young adults than 4-year-old children. Pubescent teenagers can be viable sexual targets of a much larger population of offenders. In sexual assaults involving minimal verbal interaction (i.e. many sexually motivated abductions), the interpersonal immaturity of a teenager is essentially meaningless. Their physical maturity becomes the overriding factor for many offenders. NISMART estimates that teenagers (50%) and girls (75%) were the most common victims of nonfamily abduction.

Another related issue concerns the age difference between the child victim and the perpetrator. The general perception is to assume the offender is a significantly older adult. This is often not true, especially when referring to adolescent victims. Recently, there has even been considerable media attention about cases involving child abductors who are younger than 10 years of age. Children abducted in a sexual context by an offender who is a child or peer are considered victims of sexually motivated child abduction.

The homicide rate for children is highest between birth and age 4 and between age 13 and 17. From 0 to 4, the most likely perpetrator is a family member and the least likely is a "stranger." From 13 to 17, the most likely perpetrator is an acquaintance and the least likely is a family member.

NISMART also estimates, based on analysis of FBI and NCMEC data, that there were 43 to 147 "stranger abduction" homicides annually between 1976 and 1987 with no discernible change in the rate. The characteristics of children murdered in the course of stranger

abductions tended to parallel the findings on nonfamily abduction. Older teens were by far the most common victims of stranger abduction homicide with young children at only one-fourth the risk or less. There were conflicting data on whether girls or boys were at greater risk of abduction murder.

Abduction/Missing Most of the current attention on abducted children arises from concern and publicity about "missing" children. For many, the terms abduction and missing have become almost synonymous.

NISMART estimates 3,200 to 4,600 "legal definition" nonfamily abductions of children annually in the United States. Because the vast majority of these abductions were of short duration or "short-term abductions," the absence was usually not noted before the return of the child. Therefore these children were, by common definition, not really missing. Of the total nonfamily abductions, NISMART estimates 200 to 300 are "stereotypical kidnappings" or "long-term abductions." These children, by definition, are both abducted and missing. This means that only approximately 6.25% to 6.50% of nonfamily abducted children are technically missing children.

In short-term abduction cases, the motivation is easier to evaluate and the investigation focuses primarily on the sexual assault. In long-term abduction cases, the motivation is harder to evaluate and the investigation usually focuses on finding the child.

Abduction can involve not only forcibly moving, but also preventing the return of a child. Some children go with the offender voluntarily with parental knowledge or permission. When they fail to return at a designated time, they can become "abducted" children. Law enforcement agencies almost always respond with maximum resources when the nonfamily abduction of a child is clearly known. However, in many missing children cases, especially those involving teenagers, determining if an abduction even took place can be difficult. Without reliable witnesses, a variety of factors (e.g. the tender age, past history, family situation, socioeconomic status, etc.) about a missing child are often considered in deciding if an abduction has occurred. The possibility of consent by a teenager can also be a major issue in whether or not an abduction took place. A runaway or lured away child, however, can easily become an abducted child when prevented from returning.

The publicity and attention paid to unsolved or fatal stereotypical child abductions should not obscure the fact that the vast majority of sexually motivated child abductors release their victims alive and sometimes even return them to the vicinity of their homes.

Molestation From a motive perspective, nonfamily abductions can be divided into six (6) broad categories:

- (1) Nontraditional- very young children abducted predominately

by a woman to fill a perceived void in the offender's life.

(2) Ransom- children abducted to obtain financial benefit from the victim's family. These are usually easy to solve because the abductor must make some contact with the family.

(3) Profit- children abducted to obtain financial benefit from a third party. Most for-profit trafficking in children involves buying (not abducting) children from parents or legal guardians. Cases involving forcible abduction are rare in the U.S. Cases involving some kind of deception (i.e. telling mother her baby died at birth) are less rare.

(4) Sexual- children abducted primarily for the sexual gratification of the offender. This is the focus of this discussion.

(5) Killing- children abducted to be killed by the offender. For some individuals, the act of killing itself brings arousal and/or gratification. From an investigative analysis perspective, there is a difference between a murderer who happens to sexually assault his victim and a molester who happens to murder his victim.

(6) Miscellaneous Criminal- children abducted for a wide variety of reasons related to criminal activity. Common examples include crimes such as stealing a vehicle with a child in it, taking a child hostage to facilitate escape, abducting a child in retaliation for a personal or criminal disagreement or to prevent testimony in court, abducting a child along with an adult who is the true intended victim, etc.

A possible seventh category, political motivation, could include children abducted for political or governmental gain or advantage. The author is aware of no documented cases of this category in the United States. This discussion will primarily focus on sexually motivated abductions of children with some limited focus on killing motivated cases.

What is a sexually motivated child abduction? In theory, it could be determined by the motivation for the abduction or by specific acts performed during or after. The true nature of motivations and behaviors may not always be clear and obvious. Seemingly "nonsexual" behaviors (i.e. abducting, inflicting pain, killing, etc.) can be in the service of sexual needs and may bring sexual arousal and/or gratification in and of themselves. Seemingly "sexual" behaviors (i.e. vaginal or anal intercourse) can be in the service of nonsexual needs and may, in fact, be actually motivated by power and/or anger. Even if motivated by nonsexual needs, such acts may still be considered sexual assaults by the law.

Motivation and sexual assault are generally easier to evaluate in short-term abduction cases. The child is returned alive and hopefully can describe the offender's behavior and/or is examined by a qualified physician. If the child is recovered dead, a good

crime scene examination and autopsy may help determine motivation and indicate sexual assault. If the child remains missing, however, motivation often is not knowable with certainty and investigators must keep an open mind and not pursue only one investigative possibility.

Sexual acts or assaults can be overt (e.g. vaginal or anal penetration by penis or foreign object) and therefore their intent may be easy or unnecessary (i.e. strict liability) to prove in court. They can also be covert (e.g. touching, kissing, photographing) and therefore difficult for the victims to recognize and for the police to prove intent. In criminal cases, the primary criteria most often used by investigators and prosecutors in determining sexual assault are body orifice penetration and presence of seminal fluid on or in the body or at the crime scene. However, a variety of acts not generally considered as sex (e.g. use of restraints, hair cutting, multiple stab wounds, urination, etc.) might behaviorally constitute sexual activity or assault. Some acts (e.g. listening to children urinate) may not be criminal even if sexual intent is proven. They simply involve behavior not proscribed in the penal code.

A crime can also have more than one motivation. If there are multiple offenders, whose motivation defines the crime? In some cases, it can be difficult to determine motivation even from the offender after the case is solved. We know that offenders are more reluctant to admit sexual motives than other types of motives (e.g. profit, revenge, anger, power, etc.). Some offenders may not even realize their true motivation. An offender may eventually request a ridiculously small ransom for a child he had abducted to molest in an apparent attempt to convince others, but primarily himself, that he is not a sex offender.

NISMART estimates that two-thirds or more of the short-term abductions involved sexual assault. Deciding or determining that an abduction is sexually motivated may not always be essential in an investigation or prosecution. In long-term abduction cases, it usually plays a major role in identifying and evaluating potential suspects. The sexual nature of the abduction could be important in showing motivation and obtaining a conviction in a court of law and in determining or qualifying for a particular sentence after a conviction. It is also important in discussions or research about the nature and scope of a particular crime problem.

Nonfamily These cases were, and still are, often called "stranger abductions." This is a misleading term. The concept of exactly who is a stranger is often difficult for young and even older children to understand. Who is a stranger can be viewed on a continuum. It can range from someone never seen before and unknown, to someone seen but nameless, to someone named but unknown, to someone named and slightly known, and anyone in between. More importantly, the term has little criminal justice significance and children are often criminally abducted or held by well-known acquaintances.

These cases are called nonfamily to differentiate them from the larger and dynamically and legally different category of family or parental abductions. In today's world, even this distinction is not always easy. Many children live in nontraditional families with stepparents, stepgrandparents, "stepsiblings," parents' live-in lovers, cults, etc. These relationships can create confusion and legal problems concerning permission, consent, and child abduction.

CHILD MOLESTERS WHO ABDUCT Why do some child molesters abduct their victims and others do not? Children can generally be easily controlled and manipulated by adults without physical force. Child molesters who nonviolently seduce or coerce their victims frequently come under minimal investigative scrutiny. Those who forcibly abduct and physically injure their victims usually become subjects of large-scale, intensive investigations. From the offender's point of view, it seems to make little sense to abduct a child victim. Research suggests that the use of abduction may stem primarily from the offender's poor interpersonal and social skills and their otherwise inability to control their victims.

Perpetrators of sexually motivated nonfamily child abduction appear to be a widely diverse population of offenders. This may be due in part to the broad definition of the term. The use of physical violence and deadly force is usually not necessary to sexually victimize a child. Most child molesters seduce, manipulate, or coerce children well-known or related to them. When committing a forcible sexual assault and abduction, however, it is criminally smart to target strangers (i.e. victims to whom you cannot be connected).

Phases Abduction by child molesters has four phases: (1) Build-Up, (2) Abduction, (3) Post Abduction, and (4) Recovery/Release. The elements of these phases vary depending on the type of offender involved and whether abduction occurred at the beginning of the sexual assault or the child is not returned after having been obtained without abduction.

(1) Build-Up - Fantasy about sexual activity creates a need. Whether or not it specifically includes children, the fantasy greatly influences the nature and content of the need. A wide variety of precipitating stressors affect the desire and ability of the offender to control or act out these needs. Active validation (i.e. communicating with individuals who share or encourage your urges), passive validation (i.e. collecting material that reinforces or advocates your urges), and rationalization also help in giving in to these sexual needs. Finally, an opportunity to act out is either presented or is planned and carried out.

(2) Abduction - Selecting a child victim who is a complete stranger or one who cannot be linked to the offender in any way is probably the single most important factor in determining whether an offender will get away with a child abduction. The "thought-

driven" situational offender tends to follow an MO, consider risks, take advantage of opportunities, and select any target who fits within his victim profile. Mistakes are usually the result of being impulsive and sloppy. The "fantasy-driven" preferential offender tends to follow a ritual, have a script, and consider his needs. Fulfilling these needs may increase the risks he is willing to take to obtain specific victims and engage in specific acts. Mistakes are usually the result of being compulsive and needy.

In order to escape detection, a sexual sadist, even one with extraordinary interpersonal skills, may try to abduct victims to whom he cannot be linked. More important, however, are his needs to fulfill his fantasies and to feed off the pain and suffering of others. Some child molesters who usually seduce their victims wind up abducting or not returning a child easily linked to them because they need the child all to themselves away from a judgmental society. Some long-term child abductions are really short-term molestations gone bad.

(3) Post Abduction- After a sexually motivated abduction, a child will be kept long enough for the offender to engage in some amount of sexual activity. This is usually a brief period of time. However, fantasy needs may sometimes compel the offender to keep the child for a longer period of time. He can keep the child himself, or give the child to someone else. Some pedophiles would like to believe they will now live happily ever after with their victim. Obviously, certain skills and living arrangements are necessary to do this. In a few cases, abducted children have been brought to secret rooms, boxes, or chambers set up by the offender. For sexual sadists, keeping the child alive and conscious for some period of time is essential to their needs. Part of their pleasure comes from total control and power over the victim.

(4) Recovery/Release- In some cases, the child will be recovered as a result of investigative efforts. Most often the child is released when the offender is sexually finished with the child. An abductor can discard the child with no concern for how or if the child will get home. He can return the child to the location of the abduction or to the child's home or otherwise facilitate the child's recovery. Assisting the return of the child victim is fairly common in short-term abduction cases. Some victims are released because reality does not live up to the offender's fantasy. Some are released because of police pressure and media publicity. Some victims are killed for the exact same reasons.

An offender may kill the child abducted for sexual gratification and dispose of the body in some manner. This last scenario is distinct from offenders who abduct children to kill them. The deadly force can occur before, during, or after the "sexual" acts or it can be a sexual act. A few abductors have also then killed themselves. Whether you are looking for a murderer who happened to sexually assault his victim or for a molester who happened to murder his victim can be important. The end result for the victim

may be the same, but the focus of the investigation might be significantly different.

CRIMINAL INVESTIGATIVE ANALYSIS Tracking cases and attempting to link similar cases are essential. The concept of what is a similar case must be carefully evaluated. Some sex offenders become more violent and dangerous as their crimes progress. Others do not involve a steady progression from less serious to more serious. In fact, they sometimes zigzag back and forth between nuisance and serious sex offenses. In evaluating the dangerousness of nuisance offenders, investigators should always look for focus (i.e. change from general to specific victim) and escalation (i.e. change in behavior over time).

During the same general time frame, one offender may also victimize both adults and children. As previously discussed, the age of the child victim is an important factor in this analysis. Some offenders may see little difference between a 15-year-old and a 22-year-old. In addition, the perpetrator of this type offense may also be the perpetrator of an unsolved abduction/murder or a long-term missing child case.

Although anyone younger than the age of 18 may be considered a "child," it is clear that there are major differences between the victimization of older and younger children. The younger the child victim, the more likely it is that the murderer is a family member. However, parents who kill their young offspring seem to be less likely than other murderers of children younger than 12 to sexually assault them prior to the murder. Albeit difficult and unpleasant, parents must be carefully evaluated and eliminated, if possible, even in cases where they report their child missing or abducted. With adolescent victims, acquaintances and peers must be considered as likely offenders and both heterosexual and homosexual relationships need to be evaluated.

The investigation of sexually motivated homicides of abducted children, especially pubescent children, should **NOT** be limited to or even automatically focus on individuals with a history of sex offenses against children. Individuals with a history of social and sexual inadequacies and poor interpersonal skills would be better suspects in most cases.

Evidence of a preferential interest in children or sexual sadism (e.g. victim tortured while kept conscious and alive, sexual bondage, etc.) would change this suspect focus. Preferential child molesters with a demonstrated ability to nonviolently seduce and control children rarely abduct them, but they may kill them to avoid detection. Sexual sadists are likely to abduct and usually have good interpersonal skills.

A psychopath whose 4-year-old girl victim eventually dies of exposure when he discards her after luring her into his car and sexually assaulting her, a pedophile who abducts and tortures to death a 12-year-old boy to satisfy his sadistic urges, and a

sexually motivated serial killer who strangles to death a prostitute who turns out to be 17 years old, have all committed a sexually motivated child abduction resulting in death. The dynamics and investigation of these cases may, however, have little to do with each other.

Cases where the abducted child remains "missing" are by far the most difficult, frustrating, and emotionally draining child abduction cases for law enforcement. Because the child is still missing, it is hard to identify the motivation with any degree of certainty. Without reliable witnesses, it may be hard to know the child was even abducted. There is little to analyze other than possibly the sophistication of the abduction if it were observed. By process of elimination and statistical probability, sexually motivated nonfamily abduction usually becomes the focus of the investigation of many missing children cases. The large reservoir of available manpower and the aggressive, high-priority style of the investigation then results in the identification of every known and suspected sex offender within 200 miles. Multiple suspects need to be prioritized by some criteria. Often it is difficult to ascertain the true and exact nature of an offender's sexual behavior from arrest records.

Investigators should be alert to the fact that many sex offenders falsely confess to crimes they did not commit or claim to have knowledge about organized child sex rings, abduction of children, satanic cults, or child murders. The information furnished usually turns out to be exaggerated, distorted, or patently false. Investigators have no choice but to investigate and check out such allegations because they might be partially or totally true. Investigators, however, must be skeptical and cautious in their response. Such stories should be carefully evaluated and assessed, and investigators should consider early use of the polygraph by an examiner experienced in interviewing child molesters.

To date, there is no evidence to support allegations of child abductions by highly organized sex rings or satanic cults. Adults tend to believe what they want or need to believe. In a highly emotional case like a long-term child abduction, even experienced investigators can become gullible "believers" of almost anything. The emotion of these cases causes many individuals (i.e. witnesses, volunteers, relatives, informants, etc.) to distort, misinterpret, exaggerate, embellish, or falsify the information they furnish to law enforcement. Investigators must therefore meticulously assess and evaluate all information provided to them. The emotion also causes some investigators to develop their own theories about the abduction and refuse to change them when the evidence indicates otherwise.

SUMMARY Impediments to the FBI's success investigation of child abduction include the following:

1. Failure to be notified of the abduction by the police or difficulty in maintaining interagency cooperation.

2. Difficulty in determining that a child's missing status is the result of a nonfamily abduction and should therefore merit immediate FBI investigation.
3. Difficulty in assessing and evaluating the motivation for a long-term child abduction.
4. Difficulty in developing an intelligence data base about offenders whose prior criminal activity usually does not involve violations of federal law under FBI jurisdiction.
5. Lack of prosecution when cases involve "consenting" adolescent victims.
6. Difficulty in evaluating and sensitivity in dealing with false allegations of child abduction.
7. Infrequency of cases makes it difficult to develop broad based investigative expertise.
8. Intense emotional response to long-term child abductions by everyone involved makes assessment of intelligence and case management extremely difficult.

Mr. McCOLLUM. Thank you very much.
Mr. Hagmaier please proceed.

STATEMENT OF WILLIAM HAGMAIER III, SUPERVISORY SPECIAL AGENT AND UNIT CHIEF, CHILD ABDUCTION AND SERIAL KILLER UNIT, FEDERAL BUREAU OF INVESTIGATION

Mr. HAGMAIER. Thank you, Mr. Chairman. I am privileged to be the Unit Chief of the FBI's Child Abduction and Serial Killer Unit, as well as that of the Morgan P. Hardiman Task Force on Abducted and Exploited Children created by the 1994 crime bill. I have been asked to offer testimony concerning the problem of serial murder from an FBI perspective. I also ask that my comments be considered applicable to missing children as well.

During 1984 and 1985, a serial killer was operating in southern California. Early investigation by the Los Angeles County Sheriff's Department determined that this individual had been burglarizing residences and removing children from their beds and assaulting them as their parents slept. Soon thereafter, it was determined that he was responsible for at least 16 homicides in the Los Angeles, San Francisco, and Orange County areas. The victims were shot, stabbed, and/or strangled either manually or by ligature, and many of the women were also sexually assaulted. One of the victims had her eyes excised. The victims ranged in age from 5 years to 83 years. Their residences ranged from low-rent apartments to very expensive single-family dwellings.

Following the homicides, the investigators requested assistance from the FBI and submitted investigative materials that included crime scene photographs, autopsy reports, investigative reports, and maps of the area for analysis. Was one person responsible for these homicides?

Was there a way to link these homicides? Could determining the killer's motivation help the investigators? Will this predator kill again? Can a description of the characteristics and traits of the offender be developed?

Experience and research of literally thousands of these seemingly motiveless cases reflects that we can answer these questions in the affirmative.

Annually, hundreds of homicide cases are submitted to the FBI for analysis. Law enforcement agencies throughout the United States and many foreign countries request assistance through an offender profile, investigative strategies, interview strategies, or prosecutive strategies.

Law enforcement's opponent in serial murder investigations many times can be intelligent, mobile, evidence conscious, and their victim selection, choice of weapons, and crime scenes can vary. Once developed, the appetite for destroying human life can be insatiable. They often prey on the hopeless or helpless and delight in inflicting the most despicable acts upon their victims.

A classic example of this type of predator would be Theodore Robert Bundy, who stalked our Nation between 1973 and 1978. Hours prior to his death, he confessed to slaying at least 30 females, which included two children, in seven States. Some local investigators, knowledgeable of his activities, have opined that he

may be responsible for well over 100 murders to include other children.

Investigation revealed that Bundy was an avid student of investigative and forensic techniques, and his study of these subjects contributed greatly to his ability to avoid detection and apprehension. Bundy stated that he could never understand why people could not accept the fact that he, and others like him, killed people simply because they wanted to. He also shared that his criminal contemporaries were constantly studying law enforcement techniques, looking for weaknesses within, and seeking ways to exploit those weaknesses. This, he said, allowed him and others to prosper and innocent victims to die.

No one knows for certain just how many "Ted Bundys" roam our streets and prey on our children today, but it would be obviously naive to believe their numbers are not increasing.

Because the FBI receives so many requests to assist State and local agencies in their quest to understand and solve heinous murders, we have had to develop our own definitions so that we can communicate with each other in defining specific homicide problems.

The following working definition of serial homicide will differentiate the commonly misunderstood terms, "serial," "mass," and "spree" murder. The FBI defines these terms as: Classic serial murder—two or more killings, committed as separate events, usually but not always, by one offender acting alone. These crimes may occur over a period of time ranging from hours to years. Quite often the method is predatory, the motive is psychological, and the offender's behavior and the physical evidence observed at the crime scenes will reflect sadistic, sexual overtones.

Serial, spree, murders—killings at two or more locations without a cooling-off period between murders. The time interval between killings can be minutes or days. Characterized by ongoing high excitement level and often involves a fugitive status.

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Bundy and other serial murderers who have cooperated with the FBI's research efforts have stated that they often chose to deposit the remains of their victims in rural areas to complicate investigative efforts. They felt that those investigators who are rarely exposed to this type of crime and receive little in the way of specialized training would be overwhelmed by the complexities involved in the investigation. He and others like him followed media accounts to monitor investigative progress and often interpreted statements within those accounts as challenging or provocative.

One convicted serial killer told our agents that he had traveled in all but three of our States. After killing a girl in Indiana, he drove for several hours until he arrived in Chicago, IL. By creating distance between himself and the homicide scene, he and others like him believed law enforcement would find it difficult, if not impossible to link him with the homicide.

Mobility of the offender, when added to a failure to draw an association between him and his victim, complicates serial murder investigations. We have found that one of the most significant impediments to effective serial homicide investigations has been the

lack of coordination and exchange of information gathered by different jurisdictions.

Despite the efforts of investigators, homicides have been on the incline in the United States since 1960 and reached 24,526 in 1993.

I have offered for your review a chart listing the homicide reported in the uniform crime report from years 1981 to 1993 as well as the clearance rate. These are like all statistics that the Federal Government has, based on voluntary reporting. The frightening thing is that the number of homicides has steadily increased and the number of clearances has steadily decreased. More and more people are getting away with murder.

Because there is no system in place to collect data on serial killings, and, in fact, all submissions on homicide incidents as well as other violent crime are voluntary, a true and complete accounting is nonexistent. Therefore, any reflection of this violent crime phenomenon offered statistically by the FBI is considered conservative at best.

On any given day in this country, there are approximately 103,000 individuals listed in the FBI's NCIC missing person's file and over 3,000 listed as unidentified dead. At present, there is no way of determining what portion of these individuals may have crossed paths with a serial killer.

A search of major wire services and publications within the United States since 1960 identified the following volume and type of murderer, and whether the offender killed, or is suspected of a committing a homicide: Total serial murders, according to the media reports for that period, there were 539. The victims killed or suspected of killing, 4,193, an average of 7.78 victims per offender. Mass murders, we see a total of 294 and the victims killed or suspected of killing was 1,488, an average of 5.06 per offender. When we look at the victims to include the wounded, we would have 3,467.

An analysis of these, data reflects that the number of serial and spree killers in a given year ranges from 20 to 94. Further, the number of mass murderers in a given year ranges from 1 in 1965 to a peak of 44 in 1989.

In 1985, in an attempt to assist State and local investigators in linking homicide cases and tracking serial killers, the FBI initiated the Violent Criminal Apprehension Program, VICAP. Composed of computer analysts and major case specialists who are former local homicide investigators, VICAP is a nationwide information center to collect, collate, and analyze investigative data on violent crimes.

VICAP is designed to identify similar pattern characteristics dealing with the modus operandi of the offender. Homicide investigators are requested to complete a multipage form, containing a variety of questions aimed at capturing specific details about the submitted homicide.

Information from the form is loaded into a data base, where the submitted homicide is compared against others in the data base. When a linkage is found, the respective departments are notified. Through the identification and sharing of the signature aspects of these homicides and the overall cooperation of the agencies involved, serial criminals' careers can be shortened.

The most important but uncontrollable variable to the success of VICAP is local agency participation. In order for the program to succeed, an appropriate data base must be present. In short, cases cannot be linked if they are not in the system.

From 1985, when VICAP became operational, until 1993 the UCR received reports on 198,287 murders. Submissions to VICAP during this same period equaled 8,514 or 4.25 percent of the total reported homicides.

The vast majority of serial murder cases fall outside of the jurisdiction of the FBI. However, the Director has maintained an ongoing commitment to share any and all resources to combat these crimes. The Bureau can become involved when a local agency requests assistance either directly to the CIRG or through our local field divisions.

Historically, those requests reflected a crime analysis resulting in a criminal personality profile. More recently, due to the expanding expertise and reputation of the FBI in this area, an agency's request for assistance also commonly includes crime analysis, investigative strategies, interview techniques, linkage probabilities, assistance with search warrant preparation, prosecutive guidance, and at times, expert witness testimony.

Today's homicide investigator has the benefit of some recently developed forensic assistance such as use of lasers in retrieving evidence, DNA technology, and valuable programs such as VICAP. The predatory serial killer has also been honing his skills. Our observations and case experiences reflect that some killers are not simply the result of an escalation in their violent criminal activities but in some cases are killers by premeditated choice.

These individuals prepare themselves by studying the careers and mistakes of other killers as well as tracking law enforcement advances in technology. Consequently, some agencies find themselves unprepared for the sophistication and carnage of these predators. An agency can quickly find itself unprepared and overwhelmed by the deeds of the offender and the reaction of the community.

In summary, the most important thing law enforcement can do to combat this tragic phenomenon is to provide investigators with the best training available, maintain a constant awareness of the capabilities of these killers, keep communications between agencies open, and utilize and share all available resources. Thank you.

[The prepared statement of Mr. Hagmaier follows:]

PREPARED STATEMENT OF WILLIAM HAGMAIER III, SUPERVISORY SPECIAL AGENT AND UNIT CHIEF, CHILD ABDUCTION AND SERIAL KILLER UNIT, FEDERAL BUREAU OF INVESTIGATION

My name is Bill Hagmaier, and presently I am privileged to be the Unit Chief of the FBI's Child Abduction and Serial Killer Unit as well as that of the Morgan P. Hardiman Task Force on Abducted and Exploited Children created by the 1994 Crime Bill. I have been asked to offer testimony concerning the problem of serial murder from an FBI perspective.

During 1984 and 1985, a serial killer was operating in southern California. Early investigation by the Los Angeles County Sheriff's Department determined that this individual had been burglarizing residences and removing children from their beds and assaulting them as their parents slept. Soon thereafter, it was determined that he was responsible for at least 16 homicides in the Los Angeles, San Francisco, and Orange County areas. The victims were shot, stabbed, and/or strangled either manually or by ligature, and many of the women were also sexually assaulted. One

of the victims had her eyes excised. The victims ranged in age from 5 years to 83 years; their residences ranged from low-rent apartments to very expensive single-family dwellings.

Following the early homicides, the investigators requested assistance from the FBI and submitted investigative materials that included crime scene photographs, autopsy reports, investigative reports, and maps of the area for analysis. Was one person responsible for these homicides? Was there a way to link these homicides? Could determining the killer's motivation help the investigators? Will this predator kill again? Can a description of the characteristics and traits of the offender be developed?

Experience and research of literally thousands of these seemingly motiveless cases reflects that we can answer these questions in the affirmative.

Annually, hundreds of homicide cases are submitted to the FBI for analysis. Law enforcement agencies throughout the United States and many foreign countries request assistance through an offender profile, investigative strategies, interview strategies, or prosecutive strategies.

Law enforcement's opponent in serial murder investigations many times can be intelligent, mobile, evidence conscious, and their victim selection, choice of weapons, and crime scenes can vary. Once developed, the appetite for destroying human life can be insatiable. They often prey on the hopeless or helpless and delight in inflicting the most despicable acts upon their victims. A classic example of this type of predator would be Theodore Robert Bundy, who stalked our nation between 1973 and 1978. Hours prior to his death, he confessed to slaying at least 30 females, which included two children, in seven states. Some local investigators, knowledgeable of his activities, have opined that he may be responsible for well over 100 murders to include other children.

Investigation revealed that Bundy was an avid student of investigative and forensic techniques, and his study of these subjects contributed greatly to his ability to avoid detection and apprehension. Bundy stated that he could never understand why people could not accept the fact that he, and others like him, killed people simply because they wanted to. He also shared that his criminal contemporaries were constantly studying law enforcement techniques, looking for weaknesses within, and seeking ways to exploit those weaknesses. This, he said, allowed him and others to prosper and innocent victims to die.

No one knows for certain just how many "Ted Bundy" roam our streets and prey on our children today, but it would be obviously naive to believe their numbers are not increasing.

Because the FBI receives so many requests to assist state and local agencies in their quest to understand and solve heinous murders, we have had to develop our own definitions so that we can communicate with each other in defining specific homicide problems.

The following working definition of serial homicide will differentiate the commonly misunderstood terms serial, mass, and spree murder. The FBI defines these terms as:

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der investigations. We have found that one of the most significant impediments to effective serial homicide investigations has been the lack of coordination and exchange of information gathered by different jurisdictions.

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UNIFORM CRIME REPORT (UCR) STATS

BASED ON VOLUNTARY REPORTING

HOMICIDES IN THE UNITED STATES (REPORTED)		
YEAR	ESTIMATED #	% CLEARED
1981	20,053	72
1982	21,012	74
1983	19,308	76
1984	18,692	74
1985	18,976	72
1986	20,613	70
1987	20,096	70
1988	20,675	70
1989	21,500	68
1990	23,438	67
1991	24,703	67
1992	23,760	65
1993	24,526	66

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Mr. McCOLLUM. Thank you. I yield myself 5 minutes. You have testified, and I am very curious about putting together the bottom line question with regard to these statistics. Why, in your analysis

or opinion, does not the Federal Government have official statistics on serial killers?

Mr. HAGMAIER. Murder is not a Federal offense. Our involvement 99 percent of the time is only by invitation. Whatever statistics that we can put out are voluntarily submitted, and basically we can only react to what we have to work with.

Mr. MCCOLLUM. But you do request it?

Mr. HAGMAIER. That is correct.

Mr. MCCOLLUM. A lot of local law enforcement doesn't submit it?

Mr. HAGMAIER. That is correct.

Mr. MCCOLLUM. Do you have the capacity to receive and assimilate it? If every county, every city, every police department were fully reporting all of the murders that took place in this country, and all the details that you would like to have them report, could the FBI, and could you cope with that?

Mr. HAGMAIER. I believe we could cope with the statistical reporting. I don't believe that would be a problem. However, if you are talking about referring cases to us for analysis, for profiling, for assistance, for linkage, it would impact on more than just my particular unit, but on other areas within the FBI.

Certainly, we would attempt to. My gut feeling is that our present resources at this time would not be able to deal with it.

Mr. MCCOLLUM. Is there anything that you could suggest that we could do to help you to stimulate greater reporting than you already have?

Mr. HAGMAIER. That would be a determination of this committee.

Mr. MCCOLLUM. You mentioned your request for assistance includes criminal analysis, investigative strategies, et cetera. You have a relatively new unit that you are head of. To what extent does your unit get involved with these things you have listed, and to what extent is this something that a field office would do or the FBI? I would like you to better define what you actually do in your unit.

Mr. MONTGOMERY. I appreciate that question, by the way.

Mr. MCCOLLUM. You have been wanting to know what he does for some time.

Mr. HAGMAIER. The true mission of our unit is to be consultants to agents and investigators in the field. The agents that are members of the unit are highly trained, very capable in all areas, which we touched on. We have representatives in each field division trained by units similar to our unit which is lodged at Quantico and representatives in field divisions are capable of providing those services. But frankly, with other assignments that they would have and with the overall institutional capabilities that we have within the unit and our other units at Quantico, I believe the request would be best served out of our unit.

Mr. MCCOLLUM. So most of the time the request for all the things you described would be sent to you, although occasionally it goes to people you have trained in your field offices?

Mr. HAGMAIER. Yes, sir.

Mr. MCCOLLUM. How many people do you have?

Mr. HAGMAIER. Twelve.

Mr. MCCOLLUM. How long has the unit been in existence?

Mr. HAGMAIER. It was created last December. I have been involved since Christmas Day.

Mr. MCCOLLUM. Have you been able to determine whether 12 is adequate? Are you going to need to grow over the next couple of years? What is your anticipation of the need? You have been in field service eight or nine months so far.

Mr. HAGMAIER. We are kept extremely busy with the caseload that we do have. We also have, as Mr. Montgomery mentioned, responsibility for trying to conduct research, for sharing insights through training with other investigators. If our caseload would escalate sufficiently, it would be very difficult for us to serve as well as we would like.

Mr. MCCOLLUM. Suppose you had four telephone calls in 1 day from four different regions, four different units of the country, about what appeared to be four entirely different serial killings, perhaps all involving children. Let's complicate this a bit. This isn't beyond my imagination. Can you cope with that many or more with the personnel you presently have?

Mr. HAGMAIER. Presently, we can cope with what we have with four. Yesterday we had three abducted children apparently by a stranger and a new serial case coming in.

Mr. MCCOLLUM. If you got up to 10 or 12, it might be more difficult?

Mr. HAGMAIER. That is true.

Mr. MCCOLLUM. Have you had occasion where you have had more than four come in 1 day?

Mr. HAGMAIER. Yes, sir.

Mr. MCCOLLUM. What is the largest number?

Mr. HAGMAIER. I served in similar capacity in another unit, the Investigative Support Unit. If you consider the serial killing and the stranger abducted child, we have probably had days where we have had 10 or 11 come in at the same time.

Mr. MCCOLLUM. That is a stressful period for you.

Mr. HAGMAIER. Very much so.

Mr. MCCOLLUM. That is really stretching the resources at that point.

Mr. HAGMAIER. It is because, as Mr. Montgomery said, these are the most important cases that the FBI will get, particularly in the areas of child abduction. Any other crime that we respond to, there is a little bit of flexibility, at least we would hope, in terms of applying our resources. But particularly in the area of missing children, a child usually cannot negotiate for the release. They usually cannot attempt to flee. They are at the total mercy of the perpetrators.

Unfortunately, our research reflects that the children who are killed by serial killers preying on children die within the first 24 hours. So if the maximum resources of law enforcement are not applied immediately—and I am sure from your own experiences and what you would have learned elsewhere, most crimes are solved from the crime scene. The crime scene does not exist long. So, therefore, if there is a chance for survival, total and prudent application of all resources need to be done immediately.

Mr. McCOLLUM. I am going to give Mr. Scott what time he needs, but I want to pursue this just very, very briefly. Would you actually send one of your 12 people to the scene of one of these?

Mr. MONTGOMERY. Can I respond to some of your—

Mr. McCOLLUM. Go ahead, Mr. Montgomery. You certainly may.

Mr. MONTGOMERY. I think we might have given you a picture that this is—we are kind of operating in a vacuum just with the FBI. But you will hear testimony after us that this is a network with the National Center for Missing & Exploited Children and other child advocacy groups and all of our 56 field offices.

And what would happen typically with what you are talking about would be a report immediately would come into this unit, and an outgoing call would go to that field office to immediately contact the local law enforcement agency making that report. And upon gathering the facts of that particular case a determination would be made not only back here but in concert with our field office what kinds of resources do we need to apply right away, given the circumstances that we have got.

So, foreseeably—there is a case ongoing right now in Florida with a missing child out of Homestead. We have got probably 40 FBI agents and additional State and local assistance in addressing that case.

So each case, obviously, has a different spin on it, but that is somewhat how each one would be addressed.

Mr. McCOLLUM. Well, I think that is the kind of question I was really asking, and I think I understood inherently that the field offices were involved to a great extent in each case individually. All I was probing for, Mr. Montgomery, was to try to get some feel for the manner in which this particular unit does operate. Does it, upon occasion, actually send somebody out in the fields?

Mr. MONTGOMERY. Absolutely, yes, sir. And what would happen—and we have done that in several cases that are ongoing right now—we would go to the site. They are more of a consultative role.

Mr. McCOLLUM. Right.

Mr. MONTGOMERY. But that is obviously one of the things we would do.

Mr. McCOLLUM. And part of the reason for the question is what Mr. Hagmaier said, that much of the trail is lost after the first 24 hours. Does this mean that when you do go to the site, it often is right away, or is this something you do 3 weeks later?

Mr. MONTGOMERY. No. That is—I hate to sound like I am dancing around your question, but that—it would be a case-by-case situation. There are instances where we would, if we have the ability to preserve a crime scene, immediately go out, send somebody out with the expertise from Bill's unit. But there are cases where we may not have the luxury of doing that, and we would try to ensure that our local field office, in conjunction with the State and locals, try to preserve it, and then ultimately send somebody out.

Mr. McCOLLUM. I don't want to overstep time here because I do have some more questions and there are only a couple of us. Because, unfortunately, the last vote of the week today is occurring as well. So I will have a chance to pursue it more. I think we will probably take a second round under these circumstances.

But, Mr. Scott, I don't want to keep consuming. You are yielded to for 5 minutes or whatever latitude I need to give you here.

Mr. SCOTT. Thank you, Mr. Chairman.

I think I had some of the same concerns you did with nonfamily abductions averaging about 100 a year. Is that right?

Mr. LANNING. When—again, the issue of what is your definition, long-term and short-term. Short-term, where they last for a shorter period of time, the estimate is somewhere around 3,000 to 4,000 a year. The accuracy of this estimate is less certain. Long-term, where the child is gone and the abduction goes on long enough that there is a searching, looking, missing process, the estimate is 200 to 300 a year.

Mr. SCOTT. And 12 people seems like a fairly small group of people to address that on a nationwide basis. There has been a suggestion that the public reaction to these depend on the demographic background of the child. Can you respond to this, that we get a little more excited about some children than others?

Mr. LANNING. Well, what I was referring to there, it is my experience that in many of these cases the biggest problem is simply determining the circumstances under which the child has disappeared or is missing.

For example, we know when the child is reported as missing, but as Mr. Walsh explained earlier and other people have been talking about, that missing status can be the result of a variety of things. It can be the result of a custodial kidnapping, a problem within the family. It could be a runaway, throwaway type child. It could be a child who has left voluntarily with a friends, any number of different possibilities.

And so one of the first things that you have to evaluate is the reasons to believe that this is a nonfamily abduction, so that the FBI could then enter the case under the kidnapping statute.

If the child is very young, that is sometimes a fairly easy decision to make. If the child is 3 or 4, you can say, well, there is a good possibility of abduction. Although sometimes even these children are lost or injured and not abducted. They went off, fell in the woods or are laying in a hole someplace and just can't get back. The young age of the child is one of the things that you can consider.

But there is a variety of things that you may have to look at to make this judgment call. What I am saying in my statement is I believe that judgment call is an extremely difficult thing to do because of many different elements. One of the things that I was saying, sad to say, is that sometimes socioeconomic factors may be considered. For example, some children may come and go, without the parents really watching them very carefully. How reliable is the information about abduction that the parent is furnishing you? That is just an unfortunate reality of the world that we live in.

I don't think—in my personal opinion, I have never seen a case where the police who truly and clearly knew that the child had been abducted by a nonfamily member don't do everything they can to get involved. Frequently, the cases that we hear about, where there is criticism, that is what it turned out to be. But at the time the police were not responding maybe as adequately as people believed is because it was not clear that the child was abducted; and,

in hindsight, when we know the child was, it is very easy to point the finger.

But that ignores the thousands and thousands of cases where that is not the way it happened. Most missing children are not abducted. You have to make this difficult judgment call. Law enforcement is faced with making these decisions about how to use limited resources.

Mr. SCOTT. What can we do to reduce the—what appears to be a differentiated treatment from one group to another?

Mr. MONTGOMERY. Can I—as far as the group, are you talking about the age limits?

Mr. SCOTT. Well, basically, I think I am referring more to race, that black children are treated more cavalierly than a missing white child.

Mr. LANNING. That is not what I said, and I do not believe it is a racial issue. I think that sometimes it is a socioeconomic issue, that sometimes a parent who might be middle class, upper middle class, who is reporting that their child, who went to a nice school in a nice neighborhood, was generally going to cheerleading practice and studying hard—it may be if you look at the circumstances of that case, the idea that that child was in fact abducted may be a little bit clearer when, in fact, sometimes poorer families where the situation, for a variety of different reasons, may not be quite as clear, it is harder to make that judgment. And I think it is—primarily or frequently is a factor that has to do with socioeconomic status rather than race.

Mr. SCOTT. Mr. Montgomery.

Mr. MONTGOMERY. I was going to say I am not aware of any—race entering any kind of determination process with the FBI. Again, I think what is important is getting that report as quickly as possible from the State and local—and I would refer to the recent case of a kidnapped infant in Baltimore recovered very—well, recovered here yesterday, I guess, in Washington, DC. And there is absolutely no—you know, I don't want to—no race considerations in any of these—a child is a child, and that is the way we view it, quite frankly, sir.

Mr. LANNING. In that case, when it was clear that that child had been abducted, all the resources that we have are applied.

Mr. SCOTT. You have these psychological profiles. How helpful are those and how accurate are those when you do a psychological profile with the information you have?

Mr. LANNING. In what type of case?

Mr. SCOTT. Serial killing, abductions. You get psychologists, somebody to help you figure out who it could possibly be?

Mr. LANNING. Well, we do—we consult with other people. We do a lot of those things within our unit. And if you have known facts, such as a serial killer is killing people and there is a crime scene that you can now look at and analyze or you have information, those profiles can be extremely useful.

In long-term abduction cases what—the biggest problem with children, especially, and with adults as well is the issue what are you profiling? All you know is that Mary was on her way from point A to point B, and she didn't get there. What are you

profiling? You can make certain assumptions and conclusions about it, but sometimes it is hard to know what the circumstances were.

Now, if Mary is then found murdered—that is a very sad outcome, and certainly we wish that would never occur—but when it does occur, at least now you have something to try and, quote, unquote, “profile.”

Mr. MONTGOMERY. I think one of the things we are trying to do, obviously working closely with the National Center, is to educate State and local and Federal law enforcement personnel on these types of situations. And it is an education process, and I think the more that we can get the kind of word out that, obviously, John Walsh gets out, the more responsive law enforcement can be in some of these things.

Mr. SCOTT. The data base for DNA and fingerprints, is that all that you have in the data base, just the fingerprints, DNA and the name? Do you have other things you can search like the profile, modus operandi, things of that nature?

Mr. HAGMAIER. The VICAP system can search on things such as MO's. However, between 1985 and 1993, 198,287 murders were reported to the FBI's Uniform Crime Reporting System. In the same time period, only 8,514 murders were reported to VICAP.

Now, as far as DNA goes, when you have got some semen or blood or hair or some mucal drainage or something at a crime scene, there is no national DNA data base. That would be tremendously helpful to law enforcement to have that. But it does not exist in this country right now. Some States are beginning to do it, but just like with the submission—

Mr. SCOTT. I thought—didn't we—I thought that was part of the last crime bill. Virginia has the process now—everybody going in the prison, on the way out they leave a little blood behind.

Mr. MONTGOMERY. I think that is on a State-by-State basis.

What he is saying, nationwide there is not one collating arena for that, and that is something I think we are very much aware of and are moving toward, but my understanding is that it is a very complex situation. But I know that is being addressed or being—through the CODIS and some of these other national things.

Mr. HAGMAIER. One of the concerns on law enforcement in part—when these things are created is that, many times, it is suggested that that database is created upon conviction of an offender. And if we are trying to track an escalating pedophile who is killing people, unfortunately, as we know, under our criminal justice system, through plea bargaining charges are dropped or changed. And someone may actually be involved in sexual improprieties with a child many times and that will not be reflected on his conviction record, and yet he may have victimized many, many children. And so, therefore, if it was based on that, even if it existed, we won't be able to be of much help. So that it is the arrest situation which is the most important.

Mr. SCOTT. How much money would it cost to get the data base up and running?

Mr. MONTGOMERY. I don't have an answer for you, sir. I will be glad to get that. But I think it is staggering.

[The information follows:]

The FBI has been working with state and local crime laboratories since 1990 to develop the Combined DNA Index System (CODIS). CODIS database software and networking capabilities, plus installation, training and technical support, are provided at no costs to crime laboratories. CODIS matches DNA from serial rape cases, providing police with investigative leads by linking cases not otherwise known to be related. For the forty states which have passed DNA database laws requiring sex offenders to provide a blood sample upon conviction, CODIS can identify a suspect by matching rape evidence to the state's DNA database. CODIS is now operating in 53 forensic DNA laboratories in 27 states and has recorded more than 50 hits. CODIS will begin interstate DNA matching in 1996, providing a fully operational national DNA database.

There remains, however, a significant gap of coverage in the national DNA database, i.e., the absence of persons convicted in federal and military courts of the same categories of sex offenses and other violent crimes typically covered by state laws. The 1994 Crime bill formalized the FBI's authority to operate CODIS and set national standards for forensic DNA testing. But, it did not include federal offenders in CODIS so they have an equal chance of detection following their release as they would if convicted in state court. At this time, the FBI has no estimates relating to the costs associated with an expansion of CODIS to include federal offender DNA information.

Mr. SCOTT. I think if you ask you may not get. But if you don't ask—let me ask—in lieu of a second round, let me ask just one more question.

Mr. MCCOLLUM. Go right ahead.

Mr. SCOTT. That is, with the 12-people unit you indicated a lot of things you are doing. Can you describe any success that you have had as a result of the unit, what good it has done?

Mr. HAGMAIER. Well, I will give you an example of the first case that we worked on since I got into the unit, was a child that was missing down in Texas, was with the parents in a neighborhood party. The child went missing. It was in a type of neighborhood where anyone would have seen a vehicle come in or leave, and no one did, and yet the child was missing.

The local authorities called our local FBI office immediately. We were called late at night over a weekend, which was fine. Our experience in such situations like that would make us believe that it would have been a predator who was striking on opportunity, that would probably be local.

We gave an age range, what we perceived would be the race, how close they would be to home. We gave basically a thumbnail sketch profile. They went knocking on doors, came up with two suspects. We continually kept the lines open for a couple of days with them.

The local investigators had interviewed the one suspect at one time, and he denied any involvement whatsoever. Upon—after talking with us and us creating some new behaviorally-oriented questions, they went back and talked to him again, and he finally ended up leading them up to the attic where he had hidden the little girl who had been murdered there.

I think that had—and I don't take credit for it. I am saying that we were able to dip into what data base we had from our experience from looking at literally thousands of cases like this and offer some opportunity—some quick-fix type of interviewing scenarios. Otherwise, the perpetrator, as he stated, would have removed that little girl, probably the next day, and all evidence therein, and we may never have solved the case or had any closure for her, her family.

Mr. SCOTT. Thank you, Mr. Chairman.

Mr. MCCOLLUM. Thank you very much, Mr. Scott.

Let me ask you one followup question, Mr. Hagmaier. Then I have several more for Mr. Lanning and Mr. Montgomery. I will try to be brief. I know it is getting late in the day.

Can you tell us how you perceive the unit's existence as a separate unit, in the months you have been in charge of it, as enhancing and improving the delivery—the type of services you are delivering from the structure you were operating under previously? You obviously had some of these same services that you were attempting to deliver before this particular structure in the FBI was set up.

Mr. HAGMAIER. Actually, the services have not changed. What is happening is the Director's commitment to children and the serial murder phenomenon has just basically created a new unit——

Mr. MCCOLLUM. Right.

Mr. HAGMAIER [continuing]. Which gives us 12 more people to focus on those particular crimes. The unit which that grew out of still exists, and they would be using what expertise that they have in crimes other than serial murder and child abduction. So, basically, what it has done is given us 12 people we didn't have before to focus specifically in these two areas.

Mr. MCCOLLUM. And one thing I didn't want to overlook in this, Mr. Montgomery, is that you can call on some of those same people in the other part of your system to augment what Mr. Hagmaier is doing if you needed to.

Mr. MONTGOMERY. Absolutely. And what you don't see on that chart—I mention in my statement the Rapid Start, our computer flying squad, if you will, and some of the evidence response teams that we have got out of our laboratory don't show up on that flow chart that we have access to and can direct those resources immediately as well.

Mr. MCCOLLUM. I want to follow up with a couple of questions that Mr. Walsh raised with us, Mr. Montgomery, in regard to his comments about the need for a special or a changed situation in Federal law regarding kidnapping as it pertains to children who are kidnapped and then murdered.

You were here for his testimony. Do you see a need for a change in the law? Do you recommend one? Are you, at this stage, contemplating it or is this something we just heard for the first time today?

Mr. MONTGOMERY. This is something I heard for the first time. But I think if we can get a grasp on and define the kinds of problems that he was articulating—I think there are finite numbers involved here, and you are not looking at—what concerns me is that there are mechanisms that the State and local authorities do have now to handle a lot of the things that Mr. Walsh talked about, but I think the abducted children killing cases—possibly Federal legislation mandating Federal prosecution might not be a bad situation, given the numbers.

Mr. MCCOLLUM. Well, right now, there is, generally, a nexus, isn't there, for almost all kidnapping cases to interstate? I mean, isn't that almost invariably the case?

Mr. MONTGOMERY. That is correct. And what you will find more than not is that the case can be prosecuted probably more effectively locally if it does not go out of State. But, ultimately, when

reviewing the case and getting involved, that person never does leave and is killed.

Mr. MCCOLLUM. Let me get to the nitty-gritty of what I see here and see if you follow me in this, because I think this is kind of an important thing to look at.

I looked at the Code a minute ago while Mr. Walsh was testifying after he raised that issue, and there is in the law a presumption of an interstate nexus, interstate transportation if the abduction has occurred in a 24-hour period passes and nobody has been released. That is just the way the law reads. Presumably, that presumption, which is rebuttable for court purposes, is there to provide the opportunity for the FBI to get involved. Do you have to wait the 24 hours now?

Mr. MONTGOMERY. No, sir. As I said earlier, having the responsibility for a field office and being involved in this for most of my FBI career, immediately you get involved. And the 24-hour rule is not something that an office is going to have looking at them to impede them in getting involved in these kinds of cases.

Mr. MCCOLLUM. We might change that, but it is not necessary that we change it to alter your normal activity.

Mr. MONTGOMERY. Absolutely not. No.

Mr. MCCOLLUM. I am just concerned about it and I think I know where he was headed with that, but I don't know technically. I have to follow up with him, and I will.

Mr. LANNING. I think what happens, you make that presumption, you get involved. Now the investigation gets resolved and you find the child was kidnapped and not moved out of the State, my understanding is it is not now a Federal violation.

Mr. MCCOLLUM. Well, that would be true. Of course, you are raising it in a sense, though, that there is a rebuttable presumption. Once it is rebutted it wouldn't be.

We have a recent Supreme Court decision you may be familiar with dealing with the question of gun possession within the certain range of a schoolhouse. It is a law that was passed since I have been in Congress. The Supreme Court said it wasn't constitutional because we didn't sufficiently show the nexus with Federal involvement. The gun would have to have been, under their ruling, clearly transported interstate commerce before we could make it a Federal issue.

And if you had a situation involving a kidnapping, it may well be that you have got that same prosecution problem, that it is a constitutional question, and may not be something we can resolve. But I am interested in pursuing it to the degree we can.

Mr. LANNING. I think you also need, in looking at it and defining the parameters, to consider, for example, the case of a 17-year-old boy who is out on a date with his 16-year-old girlfriend. They have a violent argument. He doesn't let her return home when she wants to. And then in the midst of this violent argument he kills her. Would he qualify for this Federal death penalty? He has technically now abducted his girlfriend. Would there be a Federal offense that would merit the death penalty?

Mr. MCCOLLUM. We have to take a look at it. You have raised some good points, red flags in the law I think.

Mr. Montgomery, I have two questions. I will follow up with Ms. Jackson Lee if you like.

With respect to working with the Unit that Mr. Hagmaier has, do you spend a good deal of your time with what he does or is this more broadly speaking?

Mr. LANNING. I am assigned—it is confusing to outsiders. It is confusing to people who are there. I am assigned to the old Behavioral Science Unit, which is part of the training division. I have a specialization, a topic area. My specialization is all aspects of the sexual victimization of children, and so that is my area of expertise. And in the last 15 years that I have been there, I have researched, trained and consulted on cases involving the sexual victimization of children.

When Mr. Hagmaier's Unit was created, I helped to train a lot of the people who came into that unit. I am a resource that is available to them. I have gotten involved in and assisted them if they wanted my advice or guidance or opinion on cases. I participated in analysis that they have done in profiles. So I am there geographically in the same place, available to them to share with them my experience and expertise in this area.

Mr. MCCOLLUM. I am not going to abuse my time here, but, Ms. Jackson Lee, since we have only you and I here and you just walked in, I am going to finish what I want to do. Then I will yield to you for what you wish to ask.

Mr. Montgomery, I am very much interested in knowing a little bit more about the Hardiman Task Force that is involved and that you and Mr. Hagmaier are involved with. I have seen the list of the agencies that are involved with this. I know this is relatively new. Do each of the agencies investigate child abduction? They don't, do they?

Mr. MONTGOMERY. No, sir, they don't. And I think we have got to look at it collectively, I think, for a couple of reasons. Obviously, in and of each agency, in and of itself, you would question what they bring to the table.

Mr. MCCOLLUM. That is really what I am asking you.

Mr. MONTGOMERY. Sure.

Mr. MCCOLLUM. It is a new thing and I am kind of curious to know.

Mr. MONTGOMERY. Absolutely.

Mr. MCCOLLUM. Is this something that is working or do we need all of them there or do we need other people that may not be on this list?

Mr. MONTGOMERY. And the problem we have got, obviously, is that this has not yet been implemented fully.

What I would tell you, though, is that we think, with the resources from all those agencies and the mission that we would assign them, that we would be able to use resources from those—from Secret Service, from DEA, whatever, that we could apply to the mission, I think would benefit State and local law enforcement as well. And I think it shows a commitment on the Federal Government's part to really be involved in something that is very meaningful.

Mr. MCCOLLUM. How often do you meet?

Mr. MONTGOMERY. We, as I said—

Mr. MCCOLLUM. You haven't really met yet, have you?

Mr. MONTGOMERY. No, sir.

Mr. MCCOLLUM. You have no plans to know that then?

Mr. MONTGOMERY. Well, no. We have got—we are at a position now where we have space acquired. We have got the hardware. We just—and we have not selected the particular people, but we are not far from getting everybody.

Mr. MCCOLLUM. So you are actually going to have a real office. It is not just going to be the few of you, head of these entities, getting together once a month and talking about something.

Mr. MONTGOMERY. No, sir.

Mr. MCCOLLUM. You are going to be physically present somewhere with an executive director and do something.

Mr. MONTGOMERY. Executive director, the locker, the title, the rest.

Mr. MCCOLLUM. You are going to have some support personnel.

Mr. MONTGOMERY. What we are going to do, I am going to have an offsite office building that will house both the task force and Bill's Unit together.

Mr. MCCOLLUM. OK.

Mr. MONTGOMERY. So that there is a strong nexus there and not a duplication of efforts and everybody understands the direction the particular units are going, and they will be, as I said, a full operational entity. It is not going to be a telephone tree or anything else like that.

Mr. MCCOLLUM. It will be a new building that you hope to construct?

Mr. MONTGOMERY. It is a building that we are leasing, part of a building.

Mr. MCCOLLUM. Somebody said to me once that you had some pretty cramped quarters at Quantico for some of these things.

Mr. MONTGOMERY. Yes.

Mr. MCCOLLUM. Is that correct?

Mr. MONTGOMERY. That is correct.

Mr. MCCOLLUM. We still need to help you remedy that, I assume. Would you like us to?

Mr. LANNING. Not only cramped but two levels under the ground.

Mr. MCCOLLUM. And you can use some relief from that, right?

Mr. MONTGOMERY. Yes, sir.

Mr. LANNING. A little sun, see a little light coming in.

Mr. MCCOLLUM. We are sympathetic to that. Where are the windows is the question.

Mr. LANNING. Right.

Mr. MCCOLLUM. I don't want to pursue any more of this. We have another panel, and I don't want to abuse them further in that sense. But, Ms. Jackson Lee, if you have questions, I will yield to you.

Ms. JACKSON LEE. Mr. Chairman, I thank you for yielding, and I will try to ask all of my questions and add an apology. In my absence, I was in another hearing dealing with a markup.

But I do want to applaud the chairman for a hearing on a very vital topic, not only for all of us who are Americans but certainly all of us who are parents and care about children.

Let me also thank John Walsh, not because of the tragedy that he had in his absence but for what he has done in bringing and highlighting this immense tragedy as relates to children in terms of abduction.

I came in and listened to some red flags that probably have been raised and have been answered. Gentlemen, if you would collectively comment on some points that you may have already noted, I would appreciate it. From your police perspective, give me a sense of the prevention or the prohibition that would be enhanced if, for example, Federal law was promoted and passed that would give the death penalty to child killers.

And then, also, how would that reflect or should we look separately at the nonstranger abuse and killing, of course family, close neighbor, et cetera, situation that might occur that might have a slightly different focus to it?

I believe that you have already discussed a concern—I come from the State of Texas, and we have had our share of abductions and serial killers. We have a diverse State that includes Hispanics and African-Americans, Asians, and I would want to be assured that we had a reach into those communities and took abductions evenly from all the communities. And, lastly—and if you would comment on these.

Lastly, I would say with Internet now, with this whole issue of a child walking away from the home because some communication came in, would we need to know, in this new science and technology, be able to have legislation that included an enticement or how would we track the proponent or the inducer, if you will, abductor, if you will, in California who gets the youngster to get on a bus in New York?

And if you would answer that—answer those, whoever wants to, if you have gotten all four of them—I have kind of made notes if you have forgotten them. I appreciate your presence here, and I appreciate, Mr. Chairman, this is a very vital issue, and I appreciate the response to my questions. Thank you.

Mr. MONTGOMERY. I am going to let Ken start.

Mr. LANNING. I will start with the last one because I can remember that more easily. That is an issue I talked about in my statement: What constitutes an abduction?

In some of the Internet type cases that I have been involved it may be, to use a more accurate term, it frequently is a lure-away. Very often—the child we are talking about is not 6 or 7, 8 years of age but, quite often, is 14, 15, 16, 17 years of age, and, to some extent, the child is voluntarily going with this individual.

Also, another thing that I have found that society doesn't like to really look at is that, quite often in these cases, these children did have at least some idea, maybe not totally, but had some idea of what was involved. It is not a matter they thought they were going to meet this man and play miniature golf. These children had some sense of what was going to happen. And what I believe is that, because they are children, their consent is irrelevant.

What I have found is that sympathy for victims is inversely proportional to their age and that quite often, particularly when teenagers go voluntarily to someplace, society does not want to look at that as a kidnapping. Even if it was technically a kidnapping, quite

often it is not prosecuted as such. What it then may be prosecuted as, if there was sexual activity when they met, is the sexual assault of the child rather than a kidnapping.

But it is an interesting definitional issue. Does the lure-away type of thing that frequently happens with the Internet cases constitute kidnapping as we generally think of or to define it under Federal law?

Ms. JACKSON LEE. We seriously need to look at that.

Mr. LANNING. There also is an issue that was addressed in the recent crime bill, the idea of moving the kids across State line for sexual purposes could be another offense. There is a White Slave Traffic Act about moving kids across State lines for sexual purposes that also might apply if you are providing a mechanism for that child to move across State lines. That might be another possible violation of the law that you would use rather than the kidnapping statute per se.

Mr. MONTGOMERY. I think one of the things you are obviously getting at is the preventive—

Ms. JACKSON LEE. If we were to—

Mr. MONTGOMERY [continuing]. That I think the laws that we have got now we can apply to those things that we saw happen in the press yesterday with the FBI case, and I—Ken was involved in that, and I think he would say that the laws that we have on record now we can address those kinds of things with. But how you prevent that through legislation down the road I think is your question. And I am not sure I have an answer for you.

Ms. JACKSON LEE. I guess the question is—and I have come in after Mr. Walsh, and I am not—I am interested in enhancing any penalties that would provide the prohibitive edge which is if you would make this—as I understand, his offering is to prosecute under Federal law and give the death penalty for those, and I assume it is across State lines or I am not sure if it enhances it.

Mr. MONTGOMERY. I think his definition was—

Ms. JACKSON LEE. In any instance, and I am only inquiring, I am not making a judgment call, as to what your feeling as law enforcement individuals would be on bringing down those if incidences because you would elevate it to that level.

Mr. LANNING. What I think he was saying is that if there is a kidnapping, and again we would have to define that more precisely as the legislation was prepared, that results in this child being murdered that that should require a Federal death penalty.

And I personally, just speaking for Ken Lanning individually, agree with something that John Walsh said, it certainly stops the recidivism of that one offender. He is not going to do it again. And certainly from that sense there is a part of me which agrees with what he is saying.

However, in reality, what I also know is we have to consider the issue that for some offender, if he knows that the crime that he has committed is going to result in the death penalty, the smart thing in these cases is to kill your victim. Dead people don't talk. And there may be less likelihood that you are going to be convicted if you, in fact, kill your victim.

If a perpetrator can be identified and if that individual is prosecuted and they get the death penalty, they are never going to do

it again. But I think as we talk about what is going to be the deterrent value of this and how—what effect it will have, it is a complicated and complex social issue.

Ms. JACKSON LEE. Mr. Chairman, I have concluded, but I do want, because I know the time is late—I did ask about the reach into minority communities. Are we being sensitized to incidents that occur in those communities?

Mr. LANNING. I think that that is an extremely important point, and I believe Mr. Ernie Allen can talk more about it.

I believe the NISMART data, which is the best data we have about child abduction, indicates that minority children are abducted in numbers disproportionate to their percentage in the population. So I think it is extremely important that we target preventative programs and outreach and sensitize police officers to respond to those cases and to look at them with an open and unbiased, objective evaluation as to what is the evidence that an abduction took place.

Ms. JACKSON LEE. You want to conclude? Oh, I thought you referred to someone who was here.

Mr. MONTGOMERY. The next panel. He is waiting.

Mr. MCCOLLUM. He is next when you are done.

Ms. JACKSON LEE. All right. Very good. Thank you, Mr. Chairman. Yield back any time I may still have, which looks like little.

Mr. MCCOLLUM. We are pretty liberal about that time.

I want to thank this panel very much for coming. I think there is a lot of work that we can and want to do together to improve all this. It sounds like much of what we will be hearing from the next panel, as well as from you and Mr. Walsh, involves a lot of education and a lot of cooperation that is beginning. We have made progress, but still have got a ways to go.

Thank you very much for coming, and we appreciate it.

Mr. MONTGOMERY. Thank you.

Mr. MCCOLLUM. Our next panel I will go ahead and introduce as this panel leaves.

Ernie Allen has served as the president and chief executive officer of the National Center for Missing & Exploited Children since 1989. Prior to that, he held positions as the chief administrative officer of Jefferson County, KY, and as the director of public safety for Louisville, KY. He is an attorney and has taught at the Indiana University, the University of Louisville and the University of Kentucky. He received the Ellis Island Medal of Honor in 1993.

Patricia Wetterling is an advocate for missing and exploited children. Her son, Jacob, has been missing since 1989. Her tireless efforts on behalf of children led to the passage of the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, which was part of the 1994 crime bill.

Patrick T. Parks is a captain with the Petaluma, CA, Police Department and has been a member of that department for 20 years. He was responsible—the incident commander responsible for the investigation into the abduction and murder of 12-year-old Polly Klaas, a case that received national attention. He is an experienced negotiator as well as a tactics expert and lectures frequently to police departments throughout California. He also teaches at Santa Rosa Community College. He was the Sonoma County Officer of

the Year in 1981 and the Petaluma City Officer of the Year in 1986.

I welcome all three of you here today.

Mr. MCCOLLUM. Mr. Allen, I think we should commence with you. You have been very patient waiting for us and please let us hear what you have to say.

STATEMENT OF ERNIE E. ALLEN, PRESIDENT, NATIONAL CENTER FOR MISSING & EXPLOITED CHILDREN

Mr. ALLEN. Thank you, Mr. Chairman, Ms. Jackson Lee. I am pleased to be here, and I have submitted written testimony.

Mr. MCCOLLUM. You did, and it will be put in the record.

Mr. ALLEN. Thank you very much. I will briefly summarize what I have to say.

First of all, I wanted to thank you on behalf of the National Center for Missing & Exploited Children. I think this is an extraordinary opportunity.

And what I would like to focus on briefly is two issues. The first is the progress that we have made as a nation in the search for America's missing children; and, secondly, I want to express our strongest possible support for the leadership and innovation of the FBI. We think that the Child Abduction and Serial Killer Unit and the Morgan Hardiman Task Force are extraordinary steps forward on behalf of child victims.

First, a brief background on the National Center. We are a non-profit organization which serves as the national resource center and clearinghouse on missing and exploited children's issues in cooperation with the U.S. Department of Justice, and that is per the Missing Children's Assistance Act of 1984. Through your support, you provide us \$3 million a year of our \$6.5 million budget with which we operate the National Missing Children's Hotline, provide case management and assistance to State and local law enforcement. We do training and provide a host of services focusing on this issue.

First of all, I guess the question is, is the national response to missing child cases working? Are we making progress? And I have provided in my testimony I think some indications that the numbers are increasing substantially and I think that is commentary on what you as Congress have done.

As you know, in 1982, Congress passed the Missing Children's Act which made it possible to enter missing child information into the FBI's national crime computer; and I specifically, Mr. Chairman, want to thank you for your role as a cosponsor of that legislation. It changed the way America searches for its missing children, and we are grateful.

Mr. MCCOLLUM. You are certainly welcome for that. I remember our former Senator Paula Hawkins had a lot to do with that from my State.

Mr. ALLEN. She did indeed. Senator Hawkins and Senator Paul Simon were really the founding parents of the issue. And it has made a difference.

Then, in 1990, Congress took the next step with something called the National Child Search Assistance Act, and the primary spon-

sors on that were Senator Mitch McConnell of Kentucky and former Congressman Ben Erdreich of Alabama.

And what that legislation did was go beyond enabling and mandated the entry of every missing child case into NCIC, mandated an immediate report. It eliminated once and for all by Federal law the police waiting period, and the progress has been dramatic. In 1982, there were 150,000 missing persons entries in NCIC; in 1994, there were 954,000; and, according to FBI estimates, 85 to 90 percent of those cases are kids.

Now, the good news about that is that State and local law enforcement is doing a terrific job. Ninety-nine percent of those 954,000 cases were resolved last year as a result of State and local police efforts. The bad news is that 1 percent is a very powerful, scary number. And 10,000 cases were left unresolved at the end of 1994.

Looking at those numbers, at the report numbers, and while they represent a wide range of cases, from very serious to not very serious, what that says is that more than 2,000 children every day in America will be reported to the police as missing, and those are cases in which the case is serious enough for the police—for the parent to call the police, the police to take a report and enter it into NCIC. So this is not a minor problem.

The National Center has made significant progress. A decade ago there were no State missing children clearinghouses; and, Mr. Chairman, Florida was the first. Today, there are 47.

And today the National Center is able to transmit images and information about missing children online to State law enforcement clearinghouses in the 47 States so that we have built the beginnings of a network. We are distributing photos and posters nationwide and worldwide, and one out of every seven of those children is recovered as a direct result of a photograph.

We work with our partner at the FBI in doing case management and analysis activities, and we are trying to keep long-term cases alive through the use of technology. Private sector support now enables us to age the photos of long-term missing children. Doesn't do much good to circulate the photograph of a 2-year-old if the child would now be 10. And we have recovered 71 children as a result of that technology and have identified successfully eight unidentified, deceased children through using that technology for facial reconstruction.

So a lot has been done and we have made progress, but the second point I want to address with you briefly is what more can Congress do? And I think before you today—and the FBI, as is its custom, was modest and not very responsive in terms of can we get more, should we have more. Let me tell you, the FBI needs more.

The step that has been taken at the Child Abduction and Serial Killer Unit is a dramatic one. It provides a terrific resource for State and local law enforcement. But those 12 agents can hardly touch what we think is the potential range and scope of what their duties are going to be.

The FBI has been our best friend. The FBI is represented on our board of directors. We are the only nonprofit in America with online access to NCIC. We work directly with the Behavioral Science

Unit and the Violent Crimes Unit and the Fugitives Unit and many others to target missing and exploited children.

But what we have learned in these cases, and the FBI representative stated it well, is that time is the enemy. So one of the things that we think is particularly important about this new unit and the Hardiman Task Force is that it gives us the ability for genuine rapid response.

America has 17,000 police departments and, as John Walsh mentioned, a majority of them have 10 or fewer officers. So the likelihood in a given case of there being onsite that kind of specialized knowledge and expertise in some cases is minimal.

One of the things that we did last year, working with the U.S. Department of Justice, is create an investigator's guide, a handbook which we are distributing to every police department in the United States that provides checklists on various kinds of cases—here is what I do first, here is what I do second, here is what I do next. And I think that is important. We train, we are providing those kinds of resources.

But more important than that is to have highly trained, specialized agents who know these cases available at a moment's notice. Our vision at the National Center has been that we could create what would really be the equivalent of the National Transportation Safety Board's crash team except for kids, high-powered Federal agents able to go to the scene, provide help or consultation in whatever way necessary to help address these cases at the critical moment. So CASKU, the Child Abduction Unit, represents a major step in that direction.

I also want to comment briefly on the Morgan P. Hardiman Task Force, because we were really one of the reasons that that strange creation is in the law. We worked with former Senator Dennis DeConcini and asked for that kind of unit to be created. The concept was simple: Our notion was this is a Federal Government and a country with task forces and strike forces on all kinds of problems. Our view was, what is more important? And doesn't it make sense to bring together the specialized expertise, the unique access to data bases and resources that the major Federal law enforcement agencies could bring to play on this problem?

And, just by illustration, we operate the National Child Pornography Tip Line in conjunction with the U.S. Customs Service. Customs and the Postal Inspection Service have been leaders in the area of child pornography. The U.S. Secret Service has powerful forensic technology that could be used in terms of tracking and identifying sex offenders, the Marshal Service in their role with fugitives.

So there are a lot of things that these agencies can bring. We believe that working together in a collegial, cooperative manner there is enormous potential for targeting the resources against this problem.

And let me mention one other aspect that we think is key—and I know Mrs. Wetterling thinks is key—in the approach of both of these agencies. We have talked a lot about rapid response. There is another need. And the other need is these long-term cases, the cases where the child isn't found, where the case isn't resolved quickly.

These parents get angry, and they are desperate, and the law enforcement agencies have other cases and other needs, and the spotlight dims, and it shifts away from that child. But we don't think there is anything more important that the Federal Government could do than to help bring its best resources into play on those kinds of cases as well, taking a fresh look, making sure that we don't close the files. Because those kids are still out there, and we have proven already that many of these kids are, in fact, recoverable, and I think we as a nation need to do more.

So, Mr. Chairman, in conclusion, I would really say two things: First, I want to commend you and the committee for your leadership and your interest; and, second, there really is a very minor legislative item that I would raise to you where we think this committee and the Congress can help.

One of our biggest challenges—and I know this will be a challenge for the Child Abduction and Serial Killer Task Unit and the Morgan P. Hardiman Task Force—is finding out about these cases quickly enough. In reality, there are an awful lot of police out there who will call us—or won't call us, either because they don't know that we are around and can help or they will wait until they have ruled out every other option until they reach out to us. Seventy-one percent of our nonfamily abduction case referrals come not from law enforcement but from families.

And what we have proposed—and we have mentioned it as a minor amendment to the National Child Search Assistance Act of 1990, we have mentioned it to Senator McConnell on the Senate side—is that if we could provide in the NCIC missing person's report form a little check box so that that police officer can check this is a serious case where we believe the child is in immediate or serious risk, what that would enable is for the Child Abduction and Serial Killer Unit at the FBI and the National Center to receive almost instant notification of the case so that as soon as it is put in there we can contact that law enforcement agency—we don't have to wait for him to contact us—and say, here are some resources available to help you. Not take over your case, not assume jurisdiction, but a resource that is available to help you at the time when you need it most.

And one other point that is not in my testimony. I think Ms. Jackson Lee's points earlier is right on target. One of the concerns that we have as an organization is that the response not just of law enforcement but of media and the community generally is very uneven.

I remember a Los Angeles Times reporter asked me during the period of the Polly Klaas investigation how many other cases there were out there like Polly's that weren't getting the kind of attention that hers got, and we looked at our data base and during that 2-month period we had more than 60 cases that met that kind—and they were white kids and African-American kids and Hispanic kids and older kids and younger kids.

The media tends to seize on certain cases. Our commitment is to respond to every case as quickly and effectively as we can, regardless of the demographics of the child or the nature of the case. But it is a problem.

And we at the National Center have enlisted and just hired the former commissioner of youth services and human services for the city of New York to specifically go out and work with African-American groups, Hispanic groups, church groups, civil rights groups to build stronger communications and to build greater information flow so that not only will America know that these cases are serious but that we can get quicker, more effective response.

Mr. MCCOLLUM. Thank you very much, Mr. Allen.

[The prepared statement of Mr. Allen follows:]

PREPARED STATEMENT OF ERNEST E. ALLEN, PRESIDENT, NATIONAL CENTER FOR MISSING & EXPLOITED CHILDREN

Mr. Chairman, on behalf of the National Center for Missing and Exploited Children, I want to thank you for this opportunity to testify on the nation's progress on behalf of missing and exploited children, and to express our strongest possible support for the leadership and innovative work of the Federal Bureau of Investigation.

We are enthusiastic about and working in concert with the FBI's new Child Abduction and Serial Killer Unit, and are equally positive about the new Morgan P. Hardiman Task Force on Missing and Exploited Children created by the 1994 Crime Bill.

Let me begin by providing brief background on the National Center for Missing and Exploited Children (NCMEC). NCMEC, a private, nonprofit organization, is the national resource center and clearinghouse on missing and exploited child cases in cooperation with the U.S. Department of Justice per the Missing Children's Assistance Act of 1984.

Since 1984, NCMEC has handled 875,000 calls through its 24-hour, tollfree hotline (1-800-THE LOST), trained 135,000 police and other professionals, distributed 10.5 million free publications to citizens and professionals, worked 44,000 cases, and played a role in the recovery of 28,775 children. NCMEC is the only nonprofit granted access to NCIC and NLETS. It operates the national child pornography tipline in conjunction with the U.S. Customs Service and the U.S. Postal Inspection Service.

NCMEC's 1995 budget is \$6.5 million, including \$3 million from the Justice Department through the Office of Juvenile Justice & Delinquency Prevention to perform functions mandated by Congress. The private sector supports all other functions and services.

In 1984 the mandate of Congress to NCMEC was to build a national response to the problem of missing and exploited children. Let me briefly address two issues:

- o Is the National Response to Missing and Exploited Child Cases Working? and
 - o What More Can Congress Do to Help Address the Problem?
- (1) IS THE NATIONAL RESPONSE TO MISSING AND EXPLOITED CHILD CASES WORKING?
- o Missing Child Reports to Police are Increasing

Prior to 1982, it was virtually impossible to get missing child information into the FBI's national computer (NCIC). Then-Congressman Paul Simon (D-IL), primary sponsor of the Missing Children's Act along with former Senator Paula Hawkins (R-FL), said "we care more about missing cars than missing children." In 1982 Congress passed the Act, enabling NCIC entry. We are grateful to Chairman McCollum for his co-sponsorship of that milestone legislation.

Police departments had mandatory waiting periods before a missing child report could be taken. Senator Simon called it the runaway presumption; i.e., "he or she is probably just a runaway, call me if he or she doesn't come home in a few days."

In 1990 Congress passed the National Child Search Assistance Act (Senator Mitch McConnell, R-KY and former Rep. Ben Erdreich, D-AL), mandating an immediate report and NCIC entry in every case, and eliminating waiting periods. Thus,

NCIC/1982 -- 154,341 missing persons entries
 NCIC/1990 -- 663,921 missing persons entries
 NCIC/1994 -- 954,896 missing persons entries
 (FBI estimates 85 - 90% are juveniles.)

What can we learn from the 1994 NCIC entries. The tendency of local law enforcement is to enter missing children into the "Juvenile" category. Thus, that category includes a wide range of case types. In 1994 there were 791,411 NCIC missing persons entries classified as "Juvenile," and a total of 802,896 active cases including cases from previous years.

In addition, cases may be categorized as "Endangered" when the missing person is "in the company of another person under circumstances indicating that his/her physical safety is in danger." In 1994 there were an additional 92,127 entries in that category, and a total of 134,323 active cases including cases from previous years.

Cases may also be categorized as "Involuntary," when the "circumstances indicate the disappearance was not voluntary, i.e., abduction or kidnapping." In 1994 there were 31,705 entries in 1994, and a total of 96,570 active cases including cases from previous years.

Thus, in 1994, using the most conservative interpretation of the data, at least 2,200 children and youth were reported missing every day in America. These are cases in which the disappearance of the child was serious enough for a parent or guardian to call the police, for the police to respond and take a report, and then enter that report into NCIC.

NCIC missing persons entries increased 10% over 1993; 44% over 1990; 519% over 1982. In 1994, 954,896 people were reported as missing and entered into NCIC. 944,385 were resolved by law enforcement. Yet, at the end of 1994, more than 10,000 cases remained unresolved. And, as of August 1, 1995, there were more than 100,000 active missing persons cases in NCIC, with our continuing assumption that 85 - 90% are children and youth. So, with all of our progress, there is still much more to do.

o The Role of the National Center for Missing and Exploited Children

The National Center for Missing and Exploited Children serves as a resource for law enforcement, and becomes involved in the most serious, difficult cases. In recent years, due to the introduction of advanced technology and other innovations, the recovery rate in these most difficult cases in which NCMEC plays a role has increased:

1984-89 -- 62.5%, 1990-94 -- 78%.

NCMEC programs and services include

Clearinghouse Network -- NCMEC is linked via computer with 47 state clearinghouses and Canada, transmitting images and information instantly;

Case Management/Analysis -- NCMEC receives thousands of leads, which are disseminated to law enforcement. NCMEC searches for links and patterns, using every tool to recover children;

Queries and Data Base Searches -- Through its networked database NCMEC searches cases based upon identifiers. If a police officer is suspicious about a child, he or she contacts NCMEC with descriptive information, and requests a search for matches.

Photos and Posters -- Through 400 private sector partners, millions of photographs have been disseminated, with one in seven of the children featured recovered as a direct result;

Imaging/Identification -- Through private technology NCMEC "ages" photos of long term missing children (71 recovered) and reconstructs faces from morgue photos (8 identified);

Project ALERT (America's Law Enforcement Retiree Team) -- With support from 14 police associations, NCMEC uses volunteer, retired police to provide free, on-site assistance.

Missing Child Alert -- NCMEC provides instant exposure online or through public service announcements via satellite.

Broadcast Fax -- NCMEC provides breaking case information via broadcast fax to all law enforcement and media in targeted areas.

(2) WHAT MORE CAN CONGRESS DO TO HELP ADDRESS THIS PROBLEM?

NCMEC's greatest long-term friend and partner in its work for missing and exploited children has been the Federal Bureau of Investigation. We are proud of the relationship.

-- The FBI holds a permanent seat on the Board of Directors of the Center, held by the Special Agent in Charge of the FBI's Critical Incident Response Group, Robin Montgomery. In that capacity the FBI helps shape the policy and direction of NCMEC;

-- NCMEC works closely with the FBI's Criminal Justice Information Services Division and NCIC, and has been granted online access to NCIC's missing persons, wanted persons and unidentified persons files;

-- NCMEC has worked closely with the FBI's Criminal Investigative Division, Laboratory Division and Training Division;

-- NCMEC has worked closely with the FBI's Violent Unit, Fugitive Unit, its Behavioral Sciences Unit, various field offices, and many agents and offices;

-- NCMEC's Project ALERT, which utilizes retired law enforcement officers as special volunteer consultants in tough cases, is endorsed and supported by the Society of Former Agents of the FBI, and includes many retired agents among its volunteers;

-- Many of NCMEC's technical books and publications for professionals have been authored by or developed in partnership with the FBI's Behavioral Sciences Unit.

o The FBI's Child Abduction & Serial Killer Unit

Despite the progress which has been made, there is more to be done. That is why we are so enthusiastic about the creation of a powerful new resource for children, the Federal Bureau of Investigation's Child Abduction and Serial Killers Unit (CASKU).

This is a nation which has created special task forces and targeted its resources against many problems. We believe that the victimization of children merits such an approach as well, and applaud the decisive steps taken to date.

We have learned over and over that in missing child cases, time is the enemy. In too many cases valuable minutes

and hours are lost because a local investigator has never worked such a case, and may not always know what to do and when to do it.

This is particularly important at this time when state and local governments are cutting back and attempting to do more with less. Of America's 17,000 police departments, a majority have ten or fewer officers. Oftentimes, a local officer with an enormous existing case load and no likelihood of finding expert assistance, has nowhere to turn for help. The result is that critical cases may not always receive the specialized expertise and hands-on assistance which is so vital.

In reality, child abduction cases are different, and require special knowledge, resources and techniques. Often, there are a different set of motives. There is strong need to understand the mind of the abductor and move quickly to provide the best possible assistance.

Many law enforcement agencies ask NCMEC for assistance. NCMEC creates visibility for the case through rapid dissemination of images and information, generates leads for the local investigator, uses its databases and analytical tools to identify links and patterns, and provides a wide range of technical resources. Yet, the NCMEC is not a law enforcement agency, and is limited in most cases to assistance via telephone or computer.

It has long been NCMEC's vision that there would one day be a team of specially trained, dedicated federal agents assigned to this problem to work with and help the state and local investigators, able to respond at a moment's notice. We have frequently spoken of and recommended the creation of the equivalent of the National Transportation Safety Board's "Crash Team" for kids, a team of experts available 24-hours a day and able to respond to the scene or work with local and state police officers on the toughest, most difficult, most serious cases.

CASKU represents a major step in that direction, and will provide a powerful, credible resource. Because CASKU is a rapid response component of the FBI's Critical Incident Response Group, and will focus on those cases in which law enforcement agencies believe a child's safety is at greatest risk, it will be able to provide investigative support to state and local law enforcement in many ways, including crime analysis, investigative strategies, and technical and forensic resource coordination.

We applaud and support CASKU and are committed to work with it closely on behalf of America's children.

o The Morgan P. Hardiman Task Force on Missing and Exploited Children

In 1994 working with former U.S. Senator Dennis DeConcini of Arizona, we proposed the creation of a multiagency

task force to attack this problem. The Task Force became known as the Morgan P. Hardiman Task Force on Missing and Exploited Children, named by Senator DeConcini in honor of the late Morgan Hardiman, former staff assistant to Senator Alfonse D'Amato of New York and champion of the missing and exploited children's issue.

Our concept was simple. We proposed to bring together two agents from each of the seven major federal law enforcement agencies to work as a team under the direction and leadership of the FBI. The Task Force would use a team approach to address breaking cases, focus on long-term cases in which desperate families felt forgotten, bring a new, priority approach to child sexual exploitation cases, and address other issues and needs as identified.

Each agency would bring its special experience and expertise, access to databases and resources, and provide a powerful resource for finding missing children and attacking child sexual exploitation. In our view, the issue of jurisdiction was almost irrelevant because the Task Force would be offering a specially trained resource person to help that state or local police officer, not take over his case.

It was Senator DeConcini's view that the task force members would bring access to unique databases and that each agency would bring unique attributes and skills. For example, the U.S. Customs Service and U.S. Postal Inspection Service are NCMEC's primary partners in the attack on child pornography. Their involvement could enhance the use and impact of NCMEC's Child Pornography Tipline, and the task force could play a key role in helping identify child victims being used in child pornography, as well as the adult perpetrators. The U.S. Secret Service possesses unique forensic and technology resources vital to the recognition and identification of pedophiles and other child sex offenders who prey upon children, including its internationally recognized handwriting recognition database. The U.S. Marshal's Service plays a key role in the search for fugitives, particularly in serial abductor/molestor cases, family abduction, and Unlawful Flight to Avoid Prosecution cases.

Each agency has special talents, special approaches to problems, and dedicated, committed agents. Yet, the whole can truly be greater than the sum of its parts. Working together in a collegial, cooperative manner, without worrying about turf or jurisdiction, there is tremendous potential for targeting the talent and resources of federal law enforcement against one of our most difficult, pressing social problems. And, we felt this could become a model for attacking many other of the nation's pressing problems.

CASKU and the Morgan P. Hardiman Task Force represent a significant commitment on behalf of the federal government to become a true partner of state and local law enforcement in

attacking child victimization. These resources, in partnership with NCMEC, and under the leadership of the FBI, can make a real difference for thousands of children across America.

THE CHALLENGE

Mr. Chairman, I commend this committee for its leadership and concern for child victims. I urge your continuing support of this bold, progressive effort to build the strongest possible national system to find missing children and attack child sexual exploitation.

In the past decade police responsiveness and sophistication have improved dramatically. Since 1984, NCMEC has trained 136,000 police and other professionals in investigative techniques, interviewing techniques, and other aspects of missing and exploited child cases. In 1994 NCMEC's Investigator's Guide was announced by Attorney General Janet Reno and has been offered to 17,000 police departments, providing a "Cook Book" approach to missing child investigations, including simple checklists. There are now 47 state missing children clearinghouses, and new specialized units in police agencies across the country.

Yet, too often valuable time is lost, and in many cases the key steps are still not taken.

For these new initiatives to work and for NCMEC to be most successful, we need to ensure that CASKU and NCMEC receive the quickest possible notification of a child abduction. We have proposed a minor modification of the NCIC report form as an amendment to Senator McConnell and Congressman Erdreich's National Child Search Assistance Act of 1990, which would provide a simple check-off on the NCIC report form for the local police department to "flag" the most serious child abduction cases. Such a step would provide almost instant notification of these most dangerous cases to CASKU and NCMEC.

We hope that this can occur, and that we can build a powerful partnership between the FBI, NCMEC and state and local law enforcement across America on behalf of our children.

Mr. McCOLLUM. Mrs. Wetterling, we will go to you next, if you would give us the words of whatever you would like us to hear.

STATEMENT OF PATTY WETTERLING, CO-FOUNDER, JACOB WETTERLING FOUNDATION

Mrs. WETTERLING. Mr. Chairman, thank you on behalf of—this is emotional for me—of thousands of families of missing children for taking the time and effort to address this very serious problem and, for us, very personal.

My son was kidnapped. He was 11. He was biking home from the store with his older brother. Despite the immediate response of local law enforcement—and we had FBI involvement the very first day. We had every resource you could have. I guess ours is one of the cases that grabbed attention—and I believe it was in part because it was witnessed and, as Mr. Lanning said, “typically you don’t know what you have.” We had every resource. And October 22d it will be 6 years, and Jacob has not been found.

In 1990, my husband and I formed the Jacob Wetterling Foundation. We do a lot of education and awareness raising too—we work with the National Center. I also am honored to serve on the board of directors of the national center.

In terms of trying to raise the awareness of this issue and to seek some solutions, we fought hard to pass some effective legislation, and we are trying to, as we discover them, plug the holes that exist in the issue of missing children.

I believe very strongly in the efforts needed to take place with the Morgan P. Hardiman Task Force. I had the opportunity to work with Senator DeConcini and I applaud his efforts and having the foresight to introduce this—more than just a policy statement but an actual task force to deal with all of the rest of us, all of the rest of us who didn’t respond to the immediate response and do not have resolution at this point.

I heard in Ernie’s report that there are 10,000 of these cases that are unresolved at this point with children. That is not a small number.

I talk in my written report of the difficulty of understanding what you have when a child is first reported missing, and I think that that is something that the committee is also concerned about. I think that there are some checklists of knowing what law enforcement should do every time; and if, in fact, the child has run away and you go through the checklist and the child returns home in 24 hours, nothing is lost. That is the good ending. But if law enforcement doesn’t do all the immediate needs and the child is not returned home and then later foul play is suspected, we have lost the most critical hours in retrieving the child alive.

The National Center has been the prolonged source of support—I can’t even give them enough praise for what they do for victims’ families in terms of offering hope and sustenance. They are an organization that will not give up on these cases.

As—after you have the immediate response, as time goes on, resources dry up. Local law enforcement is who we have left predominantly on our case, and they are very caring individuals who get torn away every time there is a bank robbery, there is gang vio-

lence. Any other crime that happens in the community takes all the resources away.

I believe that the Morgan P. Hardiman Task Force could address some of the ongoing needs that law enforcement have to assist in solving these most difficult cases. I believe also that it is not just the 300 cases of stereotypical kidnappings every year that we need to address but we also have entire communities that are left held hostage by the fear of this abductor being out there and not having the resolution. And I think children and families in general are living in fear.

The National Center does know of cases where children have been retrieved after long periods of time. In Minnesota, we had a child that was kidnapped when he was two and a half, and when he was 29 he found out who his real parents were. He was told that he had been abandoned and lived for many years.

At what point do you stop looking? As a searching parent, I can tell you you never stop.

I want to encourage the support of the FBI efforts. I believe that the number of investigators FBI has to work with the volume of cases of victimization of children is very small. I would encourage further support for their efforts.

I can't applaud them enough for what they offered our case. They were there. They had resources that locally we wouldn't have been able to have, and they were able to address immediate needs.

I would like to just—in encouraging the needs for the Hardiman Task Force, I would like to state that in our case, in Jacob's case alone, in Stearns County we have had over 30,000 leads on Jacob. We have an incredible database of people who potentially could have taken Jacob. Are they involved in other cases across the country? Do they have something to do with Mark Himebaugh from New Jersey or Kali Ann Poulton or any of these other cases?

No one knows at this point, because there has been no one agency who has access to all these local case studies. And, as many have pointed out, these are just suspects, but they are suspects with histories and capability. So I think it really demonstrates the need for the task force.

The thought that occurs to me most often is that all of these missing children—Kali Ann Poulton, Megan Garner, Amber Swartz, Sarah Pryor—I can read for many minutes—and all the other thousands of children still missing would not really care if the person who found them was involved with one agency or another.

Frankly, when I was first involved in our task force, I didn't know if someone was BCA, FBI, Stearns County Sheriff's Department or local tricounty, nor did I care. It doesn't matter. The assumption is that everybody is pulling together to find this missing child, and federally we haven't proven that that is the case.

Without question, I believe that it is the time to continue the progress that we have made. We have seen great strides, and I believe we owe it to our missing children.

I believe that I would like to end with something that was given to me last fall when it was 5 years. One of the children who was a classmate of Jacob's wrote a poem and said, "My song is twice

as loud now because I have to sing for the both of us." I believe that we need a loud, strong voice for America's missing children. [The prepared statement of Mrs. Wetterling follows:]

PREPARED STATEMENT OF PATTY WETTERLING, CO-FOUNDER, JACOB WETTERLING FOUNDATION

Mr. Chairman, Thank you on behalf of thousands of families of missing children for taking the time and effort to address this very tragic and for us very personal national problem of child victimization, child kidnapping and murder. As you may know, my son Jacob was kidnapped by a masked gunman while riding his bicycle home from a convenience store with his brother and his best friend in 1989. Jacob was 11. Despite the immediate response from local law enforcement, the Minnesota Bureau of Criminal Apprehension, and involvement of the FBI the first day, after nearly 6 years, Jacob has still not been found. Our search continues.

In 1990, my husband and I formed the Jacob Wetterling Foundation. We are a non-profit foundation with victim family assistance and many educational programs. Each year, we speak to tens of thousands of children and adults on child safety and abduction prevention. We have also fought hard to pass effective legislation to find our missing children, catch more offenders, and put a halt to this most serious crime. A special thank you to all efforts made up to this point. As demonstrated by the 1994 Crime Bill, Representatives voted, reflecting the wishes of their constituents, to take an aggressive stance by supporting the Morgan P. Hardiman Task force. I applaud Senator DeConcini's foresight to introduce more than just a policy stand but a tangible effort to pull the many and varied talents and resources of seven Federal agencies together in an aggressive effort to find the children still missing after long periods of time, apprehend those most violent criminals on the streets today; those who violate children and thereby lessen the incidences of child abduction.

When a child is first reported as missing, if they are believed to have been kidnapped, there is an initial burst of energy and resources are made available to the search. Most often it is the first time local investigators have worked a kidnapping case, and in many instances they don't recognize what they've got until hours or even days have passed. Each case is unique, therefore, there are no experts on the scene investigating these cases. The National Center for Missing & Exploited Children (NCMEC) has been an invaluable resource to local law enforcement agencies to assist in these most trying cases. I would like to thank the FBI for using their knowledge and skill from cases they've managed, to have a rapid response to the initial effort. I would also support mandating the National Center and the FBI being notified each time when there is a child missing at risk. In my son's case, we were fortunate to have benefited from the Minneapolis Bureau's assistance the very first day. However, my experience in working with other families throughout this country has been very different.

Initially, in most cases, it is not known to be a kidnapping, the child is simply missing. Although critical, these first few hours are often lost by local law enforcement not accessing what is available to them. The National Center (NCMEC) is making great strides towards raising awareness to law enforcement on the need to report children as missing as soon as possible and to work through their Law Enforcement Guide to Case Investigation and Program Management. The FBI's Child Abduction Unit will be a great assistance in these critical hours.

The best possible scenario would be that law enforcement would be notified immediately, work with all resources possible and the child is located and returned home quickly. I pray for that to happen more often. Sadly, it doesn't. Far too often, the cases are not solved immediately. Agents are reassigned, local law enforcement are taken away from the case when other more pressing crimes come up and most of the initial resources go away before the case is solved. If there were "experts" brought in, they have come and gone. The family and the missing child are left with local law enforcement who care but have other crime pressures on them, very little if any media attention, strong feelings of abandonment and isolation. The community is left with the fear of the kidnapper still at large, anger, frustration, and the inability to deal with the lack of resolution. The National Center for Missing & Exploited Children has been the glimmer of hope for never giving up. They also have the greatest data base of children who were located after 2 years, 5 years, even 7 or more.

Imagine, if you will, that the Morgan P. Hardiman Task force had the approval of all the heads of the 7 federal agencies buying into the effort in *all* ways, not just in spirit, but supporting their agents in whatever ways they could, in good faith,

hand selecting who runs it and what workers would support it, and believing in the united goal of finding missing children. This is an effort that has never been tried. This is what we need to do next. Fugitive Task forces all over the country have shown it can work. After being removed from the search for Jacob, the supervisory agent in charge of our investigation began a fugitive task force in Minneapolis. When 9 agencies began to cooperate, they arrested over 300 fugitives the first year. Success breeds success and even those who were doubtful it would help at all joined in support of the effort. He enthusiastically supports the Hardiman Task Force effort. It will help. We also recognize that information is passed from individual to individual, not agency to agency. We are asking that 14 individuals begin to strive for the same goal, and do what it takes to succeed. I believe there may be common suspects, nationwide; common vehicles, common m.o.'s that could be discovered in this united effort.

The thought that occurs to me most often is that Kali Ann Poulton, Megan Garner, Amber Swartz, Sarah Pryor, Jaycee Dugard, Mark Himebaugh, Gina Dawn Brooks, Becky Stowe, and all of the other thousands of children still missing including my son Jacob Wetterling, wouldn't really care if the person who found them was with the FBI, U.S. Customs, Postal Inspectors, Secret Service, U.S. Marshal or whatever agency. They would want everybody doing what they can to find them and the person who took them. Logically, most parents would ask; "you mean they aren't already?"

Without question, now is the time to make every effort to find America's missing children. We owe it to them and to the safety of all children. Thank you for all your support and eagerness to help.

Mr. McCOLLUM. Well, you are giving it a very strong voice, Mrs. Wetterling.

And I think you should be made aware, if you aren't, of the fact that my colleague Jim Ramstad, had made your case very much his center of attention. Having served with him on this committee in the past, it was largely through your efforts and, of course, through his that we were able to do the thing we did in the last crime bill. You and folks like John Walsh and others who have been victims have made a major, major contribution. We thank you for that.

Captain Parks, you are our last witness today on this panel. I know you have been involved with a very celebrated case and obviously as a result of that must have some things to contribute that you have observed. I would like to hear from you.

STATEMENT OF CAPT. PATRICK PARKS, PETALUMA, CA, POLICE DEPARTMENT

Mr. PARKS. First of all, Mr. Chairman, I would like very much to thank you for the opportunity to speak before this panel. It is very much a surprise to me.

As you know, I was notified on Tuesday, so you won't see my testimony in front of you, but hopefully I will get it ready for the record because I think what occurred in Petaluma really set the stage for some change in this country, and I am very pleased with that.

I will begin by giving you a short overview of the Polly Klaas kidnapping case just to kind of bring you up to speed as to what exactly went on, followed by a short summary of our organizational response, the impact of the case of this magnitude on a police department the size of the force in the city of Petaluma, and then lastly conclude with what the FBI did for our agency, what their involvement meant for us, and hopefully add to that perhaps some recommendations that this panel might listen to and hopefully put into action.

On October 1, 1993, at approximately 10:40 p.m., 12-year-old Polly Klaas was kidnapped at knife point from her Petaluma home. Two of her friends were bound, gagged, and blindfolded and left on the floor as Polly was taken from the home. Polly's mother's, Eve, and her sister, Annie, were asleep in the room next door.

Polly's kidnap was a crime that really shocked the city of Petaluma. We were the location where "American Graffiti" was filmed. Petaluma is a town of Americana. This struck to the heart of our 50,000 residents in the community.

Through the unparalleled media coverage, millions of flyers of Polly's story really reached out and touched the hearts of this country, not only this country but of the world. Thousands of volunteers poured in to assist, and the sustained efforts of the community, law enforcement, the FBI, a host of others, the National Center, set a standard by which I think all future kidnapping or stranger abduction cases will be measured, the response of law enforcement to this case.

Our investigative efforts were ultimately fruitful. On November 30, 1993, the suspect in this case was arrested. Richard Allen Davis, a parolee with prior kidnapping charges was formally charged after his palm print was found in Polly's bedroom. Tragically, 4 days later, Davis led us to Polly's body.

Statistically the impact of this case on a department of 54 sworn personnel and 28 nonsworn personnel was absolutely staggering. During the first 10 days of this case alone, our employees worked a total of 2,100 hours of overtime.

Leads poured into the police department literally by the tens of thousands. Over 8,100 pieces of information were significant enough to be documented, cataloged, and entered into the computer, and over 1,000 investigative leads were signed out to teams of police officers and investigators from the FBI.

Criminal history inquiries which run about 30 a month in our department rose to 930 in the month of October alone, so this impacted the entire department, not just the officers but also our civilian staff as well.

Police overtime costs for the 2-month investigation were over a quarter of a million dollars, and those costs continue today because this case has not yet gone to trial. The emotional impact of this case on our department cannot be measured.

I can tell you it has impacted me and will continue to the rest of my life. It is safe to say that most police agencies are not readily equipped to deal with the demands and the complexities of a case of this nature.

In our case, had it not been for the experience, the leadership, the personnel, and technical resources provided to us by the FBI, this case may not have been resolved, and certainly would not have been resolved in the manner that it was. The palm print on Polly's bed and the forensic evidence that links Davis directly to the crime were absolutely a result of FBI involvement in this case.

The FBI assisted the police department throughout the investigation. Actually, they were called within an hour and a half of the crime occurring.

One of the most significant contributions that the FBI made to this case was that of leadership. Assistant Supervising Special

Agent in Charge, Mark Mershon, brought with him the organizational experience, the expertise to deal with the complexities of an investigation of this nature.

A partnership was developed between our agency and the FBI that started at the top of the two organizations and extended through the rank and file to every working person on the case. Egos were set aside, teamwork is really what prevailed.

Several agents involved had worked prior child abduction cases, Petaluma officers had worked none. Yet each of them worked together as a team, each adding what they could, what experience they could to the investigation, and it went forth.

In addition to leadership, the FBI brought significant personnel resources to this investigation. For the first 30 days, Petaluma's average daily commitment was about 12 police officers.

The FBI often had 30 or more personnel assigned to the case. At times even our combined resources weren't enough. Can you imagine what it would have been like if the FBI was not involved in the early efforts?

Technical resources were also contributed by the FBI, evidence processing, phone taps, surveillance, SWAT teams, data management, behavioral sciences, polygraphers, legal assistants, and media support are some of the areas that the FBI contributed to this investigation. Many of the resources of this nature are just simply unavailable to local law enforcement, especially agencies our size, and we are considered a midsize police agency.

Given the tremendous contributions that the FBI made in this case, you would think that our first thought would have been to call them, that it would have been the first thing in the mind of our leaders, the people assigned to this case, incident commanders such as myself, you would think that that was the first thought I had in my head, but I have to tell you, that is not the case.

The FBI, in fact, was notified vicariously. What happened is this: Mark Klaas called the San Francisco office of the FBI, said my little girl has been kidnapped, and I want to know what you are doing about it. Special Agent Eddie Frier who works out of the Santa Rosa office gave us a call, said I would like to help, and we said we could sure use it, come give us a hand.

Why didn't we know to call? I think it is because the FBI's role in child abduction cases remains fairly uncertain, unclear, at least from a local perspective it does. Perhaps that is education and perhaps that can be handled legislatively.

Nevertheless, their role in my estimation is unclear. It seems odd to me that the FBI and local law enforcement hold collateral jurisdiction in bank robbery cases, we hold collateral jurisdiction in certain vehicle theft cases that cross interstate lines, we hold collateral jurisdiction and a host of other responsibilities but in our children, our most important resource, the most vital part of our lives, we do not hold collateral jurisdiction. I think that is a mistake.

I believe that the model set by the FBI leadership out of San Francisco office and the Petaluma Police Department is a proper one: Federal agents and local officers working together in partnership to protect our children.

Since the arrest of Richard Allen Davis, I have personally lectured to well over a thousand police administrators, managers, in-

investigators, and officers on the street throughout the State of California. My message to these officers has been simple: learn from the success and the mistakes made by the Petaluma Police Department in this case. Obtain a copy of this book, right here, the National Center's Guideline and Guidebook for Investigators on Child Abduction Cases.

This book was not out at that time. It is now. It is an invaluable resource.

Lastly, if you have a child abduction, the first call you should make should be to the FBI. They have the resources to help, and they will come forth and help you.

In May of 1994, Chief Larry Hanson of the Lodi Police Force attended one of those classes. In July 1994, Larry found himself in a very odd predicament.

Suddenly the thing that he had dreaded coming true but had taken the time to note on his note pad was happening before his very eyes. Now, Larry didn't follow my advice. Actually his first call was to me, and I told him, Larry get on the phone to the FBI after we reviewed the kinds of things he should be doing.

That case ended in success. Katie Romanack was returned home to her parents within 24 hours of her abduction. That is the kind of response we need in these cases.

You have heard testimony here that rapid response by law enforcement reaps results, and that is exactly what we had. To me, joint cooperation between State, local, and Federal officials makes absolute sense. You don't have to teach common sense, we shouldn't have to legislate it, it just makes good sense. Don't leave it to chance.

Thank you.

Mr. MCCOLLUM. Thank you very much, Captain Parks.

You have raised some interesting questions, I think. One of them, is that since you are in the field, you have been involved with this, and you just expressed to us that you didn't realize yourself the need to call the FBI right away, what kind of routine interface do you have with them? Does a police chief or police officer in a mid-sized community like yours see the local district representative, the district director of the FBI, that office manager, or field representative with any frequency? How does that work?

Mr. PARKS. In the county of Sonoma, which is where Petaluma is located, there is a very active County Law Enforcement Chiefs Association. I want to specify here that I am not the chief of Petaluma, I was a captain, an incident commander, but I have attended those meetings.

The FBI does come to those meetings, special agent Eddie Frier, a local representative shows up. You can ask him questions, you can network with him, and on a monthly basis we have that chance to interface. If there is a bank robbery in our community, the FBI shows up and brings its investigators.

I have to tell you, I think Petaluma right now is exceptional in this arena because many friendships, many bonds were formed, and I talk to the FBI office out of San Francisco really on a weekly basis with Mark Mershon, but I think that is truly the exception, but in many ways that, too, should be the rule, have that kind of ongoing relationship where you can pick up the phone, feel very

comfortable to give the director or the ASAC, or whoever, a call and give them a call at what is going on.

Mr. MCCOLLUM. It would seem to me, based on what you said and what I have observed in Orange County, FL, that there are regular meetings of at least the chiefs, sometimes more than the chiefs, other levels of the police and the sheriffs and other local law enforcement. In our area it is not uncommon for the agent in charge of the FBI or someone in his office to attend those meetings. It would seem to me that if the FBI were doing the right thing by this, it would be appropriate to occasionally raise the profile of the child abduction function, letting that agent do that, and we will certainly recommend that back through if they don't do it.

They probably do, but I was just curious as to your knowledge because there has got to be communication. It looks to me like a lot of what we are missing here today is communication.

You heard earlier, when I discussed with the previous panel from the FBI, the law as it now reads on kidnapping. Frankly, it looks to me like it really allows them to go right in and aid you from day one without any other particular Federal nexus. Consequently, it seems more to me that it is a communication matter more than anything else.

Mr. ALLEN. I want to ask you a question about your center in terms of its particular relationship with the law and how you see it. You heard earlier testimony today, and I just want to see if you concur with some of it.

I believe ninety percent of child abductions is what John Walsh said were, in his opinion, sexually oriented. Does that conform with what your understanding is, or do you have any basis for coming to any conclusion on that?

Mr. ALLEN. Absolutely. Within the nonfamily category.

Mr. MCCOLLUM. Right, the nonfamily, the stranger abduction, which maybe is a misnomer, as Mr. Lanning said, but the nonfamily abduction.

Mr. ALLEN. The Justice Department's incident study indicated that of the up to 4,600 nonfamily abduction cases, and that includes the very short term, the very minor ones, and I would also add, they also think that that number substantially understates the problem, the dominant motive, because many of those short-term cases may never be reported to the police, if the child is released, having been raped or molested, and he is the only witness, he or she is the only witness, the child may be ashamed or embarrassed and never tell mom or dad or anybody, but the dominant motive in any of those cases is sexual.

Mr. MCCOLLUM. You have had expressly a good relationship with the FBI. Do you think they are doing enough to educate police and city government officials about their role, or could they do more? Do you have any way of judging that?

Mr. ALLEN. I think we can all do more. I think the FBI has done an excellent job. There is no better training resource in America on this issue than Ken Lanning, who was on your previous panel.

He has been out there, he has talked to law enforcement agencies, we have trained 135,000 police officers in the last 10 years. The problem is there is 17,000 police departments, and every time

you train, the next time you do it, 80 percent of those people have been promoted or retired or reassigned, so it never stops.

I think one of the real challenges that both the FBI unit and that we at the National Center have is to do a better job, a more aggressive job of communicating the kinds of services and resources that are available and that don't amount to taking over the case.

Mr. McCOLLUM. I get the impression it isn't just training. You are training a lot of these officers and they are going on somewhere else, but they are still trained, and that is the good news. The bad news is that it seems like there are a lot of communities where they are not making that call to the FBI like Captain Parks did. There is a lack of awareness there. We are not getting the reports.

We heard the officials on murders generally, we are not getting the statistical data put in. Whether the capacity is there to deal with it or not is a moot point unless we get it reported. Captain Parks, do you think that there is resistance in local law enforcement to getting the FBI involved? Is there an inherent cultural thing about making that phone call?

Mr. PARKS. I think in certain organizations there are. As I stated, I have lectured to many different organizations, and in some organizations there was resistance to the idea of the FBI coming in. There was a fear that they would come in and take over. That certainly was not our experience in Petaluma, but I think there is some resistance out there and there is always the question of jurisdiction.

Many times the media tried to play on that with us when we were discussing these issues. Well, who is in charge here, whose jurisdiction is this really?

Our response every time is this is a joint jurisdiction until we prove otherwise. But if cases get proven otherwise or it goes a different way, then that question is resolved, then the FBI could potentially be out of the picture. I would rather not see that because I think they have much to offer.

Mr. McCOLLUM. Mrs. Wetterling, and this is really to Mr. Allen as well, I wonder if we are doing enough, in terms of children that have been missing for some time. We tend to forget that they are there. That is not accurate obviously. The parents and the victims never do.

I know in my State there was an initiative a couple years ago to try to utilize an offer made by the local billboard companies in the State. I think every one of them agreed to donate, and they probably still have that offer on the table. They were not willing to underwrite the cost of printing the paper or the cost of actually putting up pictures and so forth. Local community leadership initially said this is terrific, and one or two sessions of billboards went up all over the State for one or two children. There isn't an organization to deliver that, so there is no way to keep that going. It is not that the offer wasn't there, but that there just seemed to be lack of leadership.

I know Federal Government can't go and pay for all of this. I honestly know my budget—they won't let me do that if I wanted to, but can we encourage something like that?

I am going to go over to Mr. Allen, then I am going to go to Ms. Jackson Lee, because I know we have to wrap up here.

I am curious whether the National Center could do something to facilitate this. Would it do any good? Are there other ways where we are maybe not doing it now where we could raise this profile of missing children?

Mrs. WETTERLING. Yes, thank you, I appreciate the opportunity.

I spoke to the agent who was in charge of our case in preparation to come here, and he, after being pulled from our case, went on to organize a Fugitive Task Force in Minneapolis which had a very high success rate within the first year. They arrested over 300 fugitives. It was a multijurisdictional agency, and there were a lot of people who didn't believe that that would be successful, and it was.

I believe the Hardiman Task Force could do exactly what you are saying, raise the profile, raise the status of these cases that have been left alongside the road. Nobody wants to look at failure. Pretty soon after a long time of searching for a child, it appears as though they are not going to be found, so it is, "oh, well," and they are set aside.

What is really needed is a new look, new people coming in, looking at suspects nationwide, raising the media awareness again, this child is still at large, possibly the task force could access the billboard people, and what happens with victim families is you have no money left.

Mr. MCCOLLUM. No, I know that. We have the industry willing to contribute. What we didn't have in Florida was the organization. As many things as were going on, this may not have been as important. Obviously, what we are doing today, all the work the center has been doing to try to get the information out, is an enormous undertaking, but that was just one piece. I am just throwing up a little frustration of my own because I was aware of that particular undertaking.

Mrs. WETTERLING. I would just like to say that at this point it feels to me as a victim family, and I don't have any of the acronyms or the titles of the prestigious people who have been here, it feels to me that in the past there have been no experts investigating right there missing children cases. When I talk to victim families, most of the FBI agents were assigned their case, were pulled from a division that is trained to do bank robbery-type work, and that was the past. We are moving into a new dimension. They have a special child abduction, you know, team, and they are going to gain a tremendous amount of expertise in their work.

I believe the same could be done with the Morgan Hardiman Task Force in terms of finding out, you know, looking at these cases, are there commonalities, are there common MO's, are there common suspects nationwide, because we know they travel, and finding a success is—you get one or two successes, and it is going to encourage further work and further success.

Mr. MCCOLLUM. I don't want to get a long answer to Mr. Allen, because I am not being fair to Ms. Jackson Lee, but is there a comment you want to make?

Mr. ALLEN. Just two brief comments. We would like to know about your billboard contact in Orlando.

Mr. MCCOLLUM. I have got it all over the State of Florida, I can tell you.

Mr. ALLEN. We have done some work with the Outdoor Advertising Association, and we will follow up on that.

The second comment, just in terms of visibility, is we work with 450 private sector photo partners, probably the largest and best known of which is the Advo Card, which goes into 57 million mailboxes every week, Wal-Mart stores are now putting up posters of missing children. So the more of those, particularly those broadscope photo partners like the billboard industry, we will follow it up, will manage it, will handle it. Photos work, and in these cases, they are particularly important because they keep hope alive.

Mr. MCCOLLUM. Let's talk about that afterwards, because I am going to go, like Ms. Jackson Lee, and catch a plane. Maybe you are also, but let's not lose contact.

Ms. Jackson Lee, you are recognized.

Ms. JACKSON LEE. Mr. Chairman, I thank you.

Let me echo that, let us not lose contact. I am likewise leaving to catch a plane, but I want to thank all of you for being here.

And, Mrs. Wetterling, let me just agree with or take umbrage with your comments about your lack of expertise. You probably have the most expertise in this, and sadly enough, I appreciate the fact that you have taken the time to come. What I would ask, I believe, are two very brief questions.

One, Mr. Allen, are we doing enough? I think I have read briefly some materials that suggest in the missing persons we are not delineating, we have got now—Congress has asked, I think, the juvenile, all juvenile officers of the Justice Department to begin a study. The question is are we now at a point where we are documenting in the missing persons analysis who are children? Is that occurring on the Federal level?

Mr. ALLEN. Well, the answer is, from our standpoint, no, we are not doing enough. The Justice Department has done one national incident study on missing children, which is now basically 7-year-old data, it was done in 1988. They are doing it again, which will be 2 or 3 years out.

Secondly, and we use NCIC data, we think the NCIC data are the most accurate reflection of the most serious cases at any given time. The problem is, those categories aren't terribly instructive. There is one category called juvenile, which is basically kind of a catchall. A lot of police officers will enter any missing person who is a juvenile in that category.

There is also one that is called Involuntary, so where a police officer thinks that the child has been abducted or kidnapped or an adult has been taken involuntarily, it may go in there. Obviously, it would be very disruptive and very expensive to change the whole NCIC reporting system in the United States, but frankly, that is the kind of thing that we would like to see happen.

I don't think that we as a nation capture enough data to have a real understanding of the nature and extent of the victimization of our children, and kids are the single most victimized segment of the American population.

Ms. JACKSON LEE. I wholeheartedly agree with you.

I recognize that we may be running up against budgetary concerns, but that was my inquiry. I am concerned that you have a block number, and of course you have indicated there are some

NCI definitions that to me seem unclear, and that if we are looking at policy opportunities to try to stem the tide of these tragedies that are occurring but continue to occur, then we need more rapid, and as well, more current data on these incidents that are coming before us. So I wanted to sense that if we are looking at policy changes, albeit they may be costly, what would be the ultimate positive outcome? So I would take you up on that and hope maybe we can get some additional data from you.

Let me, Mrs. Wetterling, ask you a very brief question, if I might. Have you had—what has been, for those parents with children missing, the ongoing police contact with them, once the initial tragic reporting and then the beginning to search, what happens if it is 2, 3, 4, 5, 6, 7, years?

Mrs. WETTERLING. It varies drastically. We have had tremendous support. We still have investigation going on.

I have spoken with families who after a very short time period have had nothing at all, a couple weeks, and there is nothing, or they have had to initiate all of the contact, or the investigating agency is looking at the parents, which has to be done, and they can't get past the parents to look at other things. It really varies from agency to agency.

I would like to agree with what happened in California, it is typically the first time these local people have ever worked a case that they are being dealt, and so that is the big problem. That is what federally we can offer to local agencies.

Ms. JACKSON LEE. So we are again looking at a policy consideration, though we are looking at diminishing resources here. One of the issues might be how you effectuate a continuing presence or a continuing check system to keep the search alive, whether it is on the Federal level, if it is determined, or whether you are working with local law enforcement.

Mrs. WETTERLING. Right, and that is where victim families rely so heavily on the National Center, because they never leave us.

Ms. JACKSON LEE. We appreciate that.

Captain Parks, I would conclude with a question to you.

We are here to learn—and I appreciate Ken Lanning's very lucid analysis about what happened—or potentially for us to think about a Federal law dealing on the issue of killing of a child, which would also include the concept of kidnapping. Tell me, in your incident, can you project as to know whether or not the child would have or the situation would have resulted the same with this individual if such a Federal law is in place? Do you have any sense of that, about the preventative or whether that would have been any prohibitive factor in that child's demise?

Mr. PARKS. In our case, the suspect had two prior kidnapping arrests, and one, I believe, maybe two, prior convictions for kidnapping, but not of a child. They were different cases than this. So in his particular case, I don't think that that would have been a deterrent unless he was fearful that another case could have that outcome, but I am not certain it would have had any impact in this particular case.

Ms. JACKSON LEE. Well, we are here to learn. And I do understand that the death penalty is also punitive, so I recognize that there are many elements to this discussion. But I think it is very

important, as Mr. Allen has indicated, that we find the best solution for our most precious resources or resource, that is our children in this Nation, so I wanted to get your response into your particular situation.

Mr. Chairman, if there is any time left, I will certainly yield it back to you, and thank these witnesses for their graciousness.

Mr. McCOLLUM. I think we have spent more time later today than we had hoped. Some of you have traveled a long distance today, and we appreciate that.

It is a very great cause, and you are dedicated to that cause. Those of us who deal with criminal law every day, and I do, really appreciate the fact that you are willing to put the time into this and to come before us all the way up here in Washington. Thank you very much.

We will continue the contacts as we said earlier. This is by far not the end of the road for this particular matter.

Thank you very much.

The hearing is adjourned.

[Whereupon, at 5:55 p.m., the subcommittee adjourned.]

APPENDIX

STATEMENT OF HON. ZOE LOFGREN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

I would like to thank Chairman McCollum for scheduling this very important hearing to address issues of vital importance to the families of our country. I also want to thank the witnesses for taking the time to come here today to let us know about their efforts and their ideas on how to improve the way we deal with the problem of child abduction.

It is abhorrent that, by some estimates, over two thousand children and youth were reported missing every day last year. The loss of a child is probably the most traumatic event that a parent can experience. This experience is even worse when parents have no explanation for their child's disappearance, and often no resolution to the crisis. The distraught mother or father is tortured by thoughts of terrible scenarios and feelings of helplessness. We owe them our best efforts in resolving these cases.

Federal law enforcement has taken an enormous step forward in this effort by establishing the FBI Child Abduction and Serial Killers Unit (CASKU) and the Morgan P. Hardiman Task Force on Missing and Exploited Children. With these new groups, we will be able to utilize expert agents trained in this particular field of investigation. I am very pleased that representatives from CASKU and the Hardiman Task Force are here to update us on their progress.

In addition to these efforts, however, we must go further and address other issues that complicate investigations of child abductions. The main problem that seems to impede Federal law enforcement experts is coordination with local law enforcement. This problem manifests in many ways. For instance, it is absolutely critical to the successful resolution of a child abduction case that the investigation begin almost immediately after the abduction occurs. However, often the abducted child is initially treated as a missing person or runaway, and FBI experts lose valuable time before local authorities notify them that an abduction is suspected. We must educate local law enforcement officers and make sure that they are aware of the Federal resources that are available to assist them in investigating a possible child abduction.

Another way that local and Federal coordination can be improved is to increase reporting by local police to national databases. The FBI's ability to investigate or assist in the investigation of a child abduction is limited by a lack of complete information available to them. Many local police officers are overwhelmed by paperwork and reporting requirements, but by exploring ways to utilize technology to improve the efficiency and productivity of law enforcement, we can help address these issues. This technology is already available and in use in many areas, but most local governments simply do not have the resources to invest in these vital tools. Our challenge is to devise methods of financing for these governments to purchase this equipment, which eventually can pay for itself and also improve the quality of law enforcement at all levels of government.

Finally, we must ensure that the CASKU Unit, the Hardiman Task Force, and other Federal and local law enforcement agencies have the resources necessary to perform their jobs. If they need to hire additional agents or need to acquire additional technical resources, then Congress owes it to the youth and parents of America to provide the necessary funds to them. While we cut back on various programs throughout the Federal government, this is one area where we simply cannot afford to move backward or even remain where we are now. I look forward to working with my colleagues on this critical problem, with the hope that we can provide safer sidewalks and playgrounds for the children of America.

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